



MEETING NOTICE & AGENDA

Please be advised that a meeting of the River to Sea Transportation Planning Organization (R2CTPO) Transportation Disadvantaged Local Coordinating Board (TDLCB) **GRIEVANCE COMMITTEE** will be held on:

Date: Tuesday, April 30, 2019
Time: 1:00 P.M.
Place: Volusia County Mobility Management Center (Votran)
950 Big Tree Road
South Daytona, FL 32119

Volusia County Council Member Heather Post, Chairperson

AGENDA

- I. CALL TO ORDER/ROLL CALL/DETERMINATION OF QUORUM/PLEDGE OF ALLEGIANCE
- II. PUBLIC COMMENT/PARTICIPATION
- III. ACTION ITEM
 - A. REVIEW AND APPROVAL TO SETTLE GRIEVANCE FILED BY MR. WILLIE SCALES
(Contact: Stephan Harris) (Enclosure, pages 4-14)
- IV. STAFF AND COMMITTEE MEMBER COMMENTS
- V. CHAIRPERSON COMMENTS
- VI. ADJOURNMENT

Distribution:

Council Member Heather Post
Doug Hall
Patricia A. Lipovsky
Heather Blanck, Votran
Stephan Harris, River to Sea TPO
Mr. Willie Scales
Press

**SUMMARY SHEET
GRIEVANCE COMMITTEE
APRIL 30, 2019**

III. ACTION ITEM

A. REVIEW AND APPROVAL TO SETTLE GRIEVANCE FILED BY MR. WILLIE SCALES

BACKGROUND INFORMATION

January 12, 2019: a Votran operator denies a request from Mr. Willie Scales to bring a cart onto a Votran Gold vehicle. The dimensions of the cart are: 39”L X 25.5”W X 41.5”H.

[Unknown Date]: Mr. Scales calls Votran to file a grievance.

January 23, 2019: Votran representatives Edie Biro and Frank Alvarez meet with Mr. Scales at his residence to examine the cart and explain Votran’s policy regarding personal belongings, packages, and bags.

March 8, 2019: A letter is sent to Mr. Scales stating Votran’s policy and decision to exclude the cart from Votran vehicles.

April 2, 2019: Mr. Willie Scales files an appeal to the TDLCB.

April 3, 2019: Mr. Stephan Harris from River to Sea TPO calls Mr. Scales to discuss the grievance and deadline for a written appeal to the TDLCB.

The letter from Votran to Mr. Scales, grievance from Mr. Scales, pictures of the cart, and TDLCB Grievance Procedures are included in this agenda packet.

ACTION REQUESTED:

MOTION TO APPROVE SETTLEMENT OF GRIEVANCE FILED BY MR. WILLIE SCALES

Grievance Committee Notice and Agenda

April 30, 2019

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NOTE: Individuals covered by the Americans with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the River to Sea TPO office, 2570 W. International Speedway Blvd., Suite 100, Daytona Beach, Florida 32114-8145; (386) 226-0422, extension 20416, at least five (5) working days prior to the meeting date.

NOTE: If any person decides to appeal a decision made by this board with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings including all testimony and evidence upon which the appeal is to be based. To that end, such person will want to ensure that a verbatim record of the proceedings is made.

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DS

To whom it may concern,

My name is Willie Scales. I ride Votran Gold door to door service. I am completely blind and the reason I am writing you is to file grievance. When I first ordered a grocery cart from Amazon, it was a little small basket that folded up. It was very easy to get on the bus, but it did not hold a lot of groceries. I called Edi at Votran and I asked her what the width was on the lift on the Votran bus. She did not know, but what I did was that when the bus came and picked me up on my next trip, I had the bus driver to measure the door so I know what size cart that I can get that would fit on the bus without a problem. Once I knew the measurements and everything, that is when I got the cart to be able to haul my beep ball equipment back and forth, from home to the practice field, which is at spruce creek park. It was also so I could be able to carry my groceries that I purchase every week from Walmart. Once I received the cart, I put it together, and called Votran and scheduled a trip. When the bus driver got here, he thought it was a very nice cart and everything. He put it on the lift, tied it down, and we were on our way to Walmart, without any problems at all. I also used the cart to go to the spruce creek park for an event last year, where I had all of the beep ball equipment in the cart. It was easy putting it on the bus and easy to take off. I had been using that cart for about three months. All of a sudden one Votran driver comes to pick me up on a Saturday to take me to Walmart to get my groceries, and she put up such a fuss, and I told her that the cart fits on the bus, it shouldn't be a problem. But she made calls to the main office and she said well they said to take me this time, but they are going to get it touch with me because they want to come out and see the cart. This is when they told me I couldn't use the cart anymore to get my groceries. I talked to Heather and Edi and Votran trying to get my cart so I can put it on the bus. Edi came out with another supervisor to take pictures of my cart so they could send it to the county. The thing I understand is that I was told that the county didn't say anything. They just agreed with Votran on what Votran said and that is where we stand today. But I have also had bus drivers from Votran to try to speak on my behalf because the cart is not a problem. A lot of the bus drivers don't understand why I can't use my cart. Some of the bus drivers have told me that they have wheelchairs bigger than my cart that they have to get on the bus. I have remembered times that I have got on the bus where I really had to squeeze around because the wheelchair was so big that I had a hard time getting down through the aisle. I just think that taking my cart away from me, not only take away my rights but takes away my independence. This is my only transportation I have, and I try to

do everything in the guidelines. This is the reason I called Edi so she can get the measurements of my cart to stay within the guidelines of bringing my cart on the bus without any problems. When I am picked up by Votran, I usually sit with one side of the bus where the seats are down, me and my daughter, and on the other side of the bus, all of the seats are up, so there is plenty of room to strap down my cart without any problems. This is what I have tried to talk to Votran about but they just wont listen to me. Now when I go and get my groceries, they will put some on the seat and I will be holding some of them. Then my daughter would hold some. The ones that nobody is holding, when they take a corner my groceries will fall on the floor. Then I would try to grab them, so they are not rolling everywhere. When I had my cart, they would put it on the lift, tie it down, and there were no problems. So, this is why I am fighting so hard to get my cart back to make sure I have everything I need to function like any normal person. This is my letter stating that I do want to have aggrievance to resolve the situation.

Sincerely Willie Scales



G8437

March 8, 2019

Mr. Willie Scales
3960 Oak Trail Run Bldg. 29 Apt. 1
Port Orange, Fl. 32127

Dear Mr. Scales:

The purpose of this letter is to acknowledge and confirm the conversations that have taken place between members of our management team and yourself regarding an oversized cart you are requesting to be allowed on the Votran Gold buses. You asked for a review of our policy, concerning safe boarding and securement of personal belongings for our Gold Service vehicles.

The Votran Gold policy on personal belongings as defined in the Votran Gold Users Guide is: "Passenger property that can be safely carried by the passenger and/or the driver in one trip and can be safely stowed on the vehicle shall be allowed to be transported with the passenger. Personal belongings may not occupy any seat or floor space that blocks the boarding or deboarding of another passenger." In addition the Florida Commission for the Transportation Disadvantaged has established rights and responsibilities for paratransit service in regard to courtesy. "Customers have the right to assistance with as many packages as can be safely carried by the passenger and the operator in one trip. Please limit packages to those that can be stored in your lap to avoid blocking aisles or other seats."

After some discussions, Votran managers visited you to measure your cart. The measurements are 41 ½ inches tall, 39 inches long, 25 ½ inches wide. The cart is roughly similar to the size of a medium size grocery store cart measuring 42 inches tall, 41 inches long, and 23 inches wide.

The safety of our operators and passengers cannot be reasonably assured, if your cart, containing groceries or sports equipment, is loaded on our vehicle. Paratransit vehicles are designed for passenger transportation as a shared service. The dimensions of the cart poses an obstacle for the boarding of other gold service passengers, because it would be occupying the space of another wheelchair passenger. The cart cannot be safely transported as the vehicles are

not designed for the purpose of this type of cargo where proper securement can be assured.

Having reviewed your request with operations staff, customer service staff, and the county we find that unfortunately, Votran Gold Service cannot transport your cart.

When Edie Biro and I spoke with you on Monday, March 4, we offered to provide you a smaller rolling cart. You explained you had this type of cart before and did not want to use this type of cart for your purpose. In our discussions you expressed a concern that our refusal to allow the use of the oversized cart was an ADA civil rights violation. Please note that Votran is not discriminating against you, because the cart is not required as a disability aid and, for safety reasons, is not allowed on board our paratransit vehicles regardless of whether utilized by disabled or non-disabled individuals.

If you disagree with our decision, please know that you have the right to appeal it in writing within ten days of your receipt of this letter. That appeal must be in writing and addressed to the Transportation Disadvantaged Local Coordinating Board's Grievance Committee. The appeal must be addressed to:

River to Sea Transportation Planning Organization
2570 W. International Speedway Blvd. Suite 100
Daytona Beach, Florida 32119-8145

Sincerely:

Heather Blanck
Assistant General Manager Administration

Cc; Rob Stephens, Votran General Manager
Elizabeth Suchsland, Assistant General Manager Operations
Cornell Mack, Operations Manager
Edie Biro, Customer Services Manager
Stephan Harris, Transportation Disadvantaged Local Coordinating Board

Cart almost takes up lift-close to 30' by 48'. Does not fold up. Uses for groceries and beep ball equipment.



**GRIEVANCE PROCEDURES
OF THE
RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION (TPO)
TRANSPORTATION DISADVANTAGED LOCAL COORDINATING BOARD**

ARTICLE I: PREAMBLE

SECTION 1: PREAMBLE

The following sets forth the grievance procedures which shall serve to guide the River to Sea TPO Transportation Disadvantaged Local Coordinating Board (TDLCB), serving to assist the Community Transportation Coordinator (CTC). The intent is to provide procedures and policies for fulfilling the requirements of Chapter 427, Florida Statutes, Rule 41-2.012 of the Florida Administrative Code (FAC), and subsequent laws setting forth requirements for the establishment of grievance procedures. Grievance Committee procedures are designed to address issues raised by agencies, users, potential users, sub-contractors, and other interested parties which cannot be resolved through the CTC. This procedure does not cover the competitive bid process; including Request for Proposals (RFPs).

ARTICLE II: GRIEVANCE COMMITTEE NAME AND PURPOSE

SECTION 1: NAME

The name of the committee to resolve grievances for the River to Sea TPO Transportation Disadvantaged Local Coordinating Board shall be a Subcommittee of the TDLCB Quality Assurance Committee, but will hereinafter be referred to as the Grievance Committee.

SECTION 2: PURPOSE

The primary purpose of the Grievance Committee is to process, investigate and make recommendations with respect to unresolved complaints to the Local Coordinating Board for improvement of service. This procedure is made available to agencies with Purchase of Service Agreements (POS) contracts, users, or potential users of the system in Volusia to hear complaints and provide a mechanism for issues to be brought before the Grievance Committee which shall meet as often as necessary to address unresolved complaints in a timely manner.

ARTICLE III: DEFINITIONS

SECTION 1: DEFINITION OF COMPLAINT

“A complaint is an oral (in person/telephone) or written statement of dissatisfaction which is presented to Votran, Volusia County’s CTC.”

SECTION 2: DEFINITION OF FORMAL GRIEVANCE

“A formal grievance is a written complaint to document any concerns or unresolved service complaints regarding the operation or administration of TD services by the Transportation Operator, Community Transportation Coordinator, the designated official planning agency (DOPA) or the local coordinating board. The Grievant in their formal complaint should demonstrate or establish their concerns as clearly as possible.”

ARTICLE IV: FILING OF COMPLAINTS AND GRIEVANCES

SECTION 1: PROCESS OF FILING A COMPLAINT

Any user, agency (with POS contract) or potential user may register a verbal/written complaint with the CTC in accordance with the policies and procedures of Votran.

If the complainant is not satisfied with the action taken by the CTC, the user may file a formal written complaint within ten (10) working days after the CTC’s decision.

Such written complaint shall include the following:

1. the name and address of the complainant;
2. a statement of the grounds for the complaint made in a clear and concise manner, supplemented by supporting documentation;
 - a. Exact date/time of incident;
 - b. Exact location of incident;
 - c. Any witnesses to incident (including name and address); and
 - d. Vehicle unit number, license number, color and type.
3. an explanation of the relief desired by the complainant; and
4. if the complainant is unable to submit a formal written complaint, Votran shall have the responsibility of obtaining an advocate who will be available to assist those individuals. The ten (10) working days needed by the customer to submit their written complaint will not go into effect until the advocate has met with the customer.

A written complaint shall be addressed to:

Votran Bus System
Assistant General Manager
950 Big Tree Road
South Daytona, Fl. 32119

The CTC shall have ten (10) working days from the date of notification of the complaint to address or investigate the problem. Within that time, the CTC will respond to the complainant by telephone, if possible, and in writing within ten (10) working days of notification to the complainant as to what action was made.

SECTION 2: FILING OF A GRIEVANCE

If the complainant is dissatisfied with the corrective action taken by the CTC, an appeal to the Grievance Committee of the TDLCB may be filed. Such written appeal must be filed within ten (10) working days from the date of notification to the complainant of the final decision from the CTC. The written appeal shall include the following:

1. the name and address of the complainant;
2. a statement of the ground for the grievance made in a clear and concise manner, supplemented by supporting documentation;
3. demonstrate or establish a clear violation of a specific law, regulation, contractual arrangement, or circumstance thought to be unjust;
4. an explanation of the relief desired by the complainant;
5. specified areas of disagreement with the CTC decisions; and
6. if the complainant is unable to submit a formal written appeal to be filed, Votran shall have the responsibility of obtaining an advocate who will be available to assist those individuals. The ten (10) working days needed by the customer to submit a written appeal will not go into effect until the advocate has met with the customer.

An appeal to the Grievance Committee may only be filed after the complainant has sought satisfaction directly from the CTC.

The appeal must be addressed to:

River to Sea Transportation Planning Organization
Attn: Grievance Committee
2570 W. International Speedway Boulevard, Suite 100
Daytona Beach, Florida 32114

Once an appeal has been received, the Grievance Committee shall meet and render its recommendation within thirty (30) working days of the date the appeal was filed. The complainant shall be notified in writing of the mutually agreed upon date, time and place where the appeal shall be heard. This written notice shall be mailed at least ten (10) working days in advance of the meeting.

A written copy of the recommendation will be forwarded to the TDLCB and all parties involved within ten (10) working days from the date of the recommendation.

Written recommendations will include the following information:

1. a statement that a meeting was held in which the involved parties and/or their representatives were given an opportunity to present their positions;
2. a statement that clearly defines the issues discussed; and
3. Reasons for the recommendation based on the information provided.

If the complainant is dissatisfied with the recommendation of the Grievance Committee, he/she may continue the appeal process with the TDLCB.

ARTICLE V: APPEAL TO THE TRANSPORTATION DISADVANTAGED LOCAL COORDINATING BOARD

Should the aggrieved be interested in filing an appeal with the TDLCB it must be filed within ten (10) working days from the date of receipt of the final recommendation of the Grievance Committee. The appeal should attempt to demonstrate or establish a clear violation of a specific law, regulation, contractual arrangement or circumstance thought to be unjust. An appeal to the TDLCB can only be filed after the aggrieved has sought satisfaction directly from the Grievance Committee. An appeal to the TDLCB must be addressed to:

River to Sea Transportation Planning Organization
Attn: TDLCB
2570 W. International Speedway Boulevard, Suite 100
Daytona Beach, Florida 32114

Once an appeal has been received, the TDLCB shall meet and render its recommendation within sixty (60) days of the date the appeal was filed. The aggrieved shall be notified in writing of the mutually agreed upon date, time and place where the appeal shall be heard. This written notice shall be mailed at least ten (10) working days in advance of the hearing.

A written copy of the TDLCB's recommendation shall be forwarded to all parties involved within ten (10) working days from the date of the recommendation. . A written recommendation shall include the following information:

1. a statement that a hearing was held in which the involved parties, their representatives and/or witnesses were given an opportunity to present their positions;
2. a statement that clearly defines the issues discussed; and
3. reasons for the recommendation Votran based on the information provided.

If the complainant is dissatisfied with the recommendation of the TDLCB, he/she may continue the process with the TD Ombudsman Program by calling the following number(s): 1-800-983-2435. For hearing and speech impaired customers call, 711 (Florida Only) Florida Relay System or (850) 410-5708 for TTY or via written correspondence to:

Florida Commission for the Transportation Disadvantaged
Attn: Ombudsman Program
605 Suwannee Street, MS-49
Tallahassee, FL 32399-0450

If the Commission is unable to resolve the grievance, the customer will be referred to the Office of Administrative Appeals or other legal venues as appropriate to the specific nature of the grievance.

All of the steps above must be attempted in the order listed before a complaint or grievance will move to the next step.

ARTICLE VII: SCHEDULED MEETINGS

SECTION 1: GENERAL

The Grievance Committee shall be comprised of a minimum of five (5) TDLCB board members. The CTC shall not serve on the Grievance Committee. Each member shall serve at the discretion of the TDLCB.

When a meeting of the Grievance Committee is necessary, staff to the TDLCB shall schedule the meeting of the Grievance Committee to hear appealed grievances.

ARTICLE VIII: AMENDMENTS

SECTION 1: GENERAL

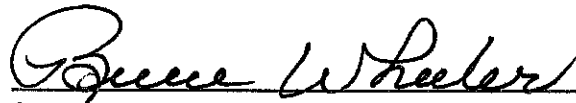
The Transportation Disadvantaged Local Coordinating Board Grievance Procedures may be amended by a two-thirds (2/3) vote of members present, if a quorum exists, providing the proposed change(s) is/are mailed to all members at least seven (7) working days in advance of the meeting.

SECTION 2: QUORUM

At all meetings of the Transportation Disadvantaged Local Coordinating Board, the presence in person of a majority of the voting members shall be necessary and sufficient to constitute a quorum for the transaction of business.

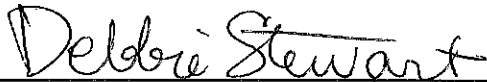
ARTICLE IX: CERTIFICATION

The undersigned hereby certifies that he is the Chairman of the River to Sea TPO Transportation Disadvantaged Local Coordinating Board and that the foregoing is a full, true and correct copy of the Grievance Procedures of this Local Coordinating Board as adopted by the River to Sea TPO Transportation Disadvantaged Local Coordinating Board the 11th day of July 2018.



Volusia County Council Member Billie Wheeler, Chairperson
Transportation Disadvantaged Local Coordinating Board (TDLCB)

ATTEST:



Debbie Stewart, Recording Secretary
River to Sea Transportation Planning Organization