

**GRIEVANCE PROCEDURES  
OF THE  
VOLUSIA 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 Volusia 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 (RFP's).

**ARTICLE II: GRIEVANCE COMMITTEE NAME AND PURPOSE**

**SECTION 1: NAME**

The name of the committee to resolve grievances for the Volusia 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 GRIEVANCE**

"A grievance is an unresolved complaint that is brought to the attention of the TDLCB for resolution in the process described herein."

## **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. 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)
  - 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 II: 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 appeal shall include the following:

1. 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. specify areas of disagreement with the CTC decisions; and
6. if the complainant is unable to submit a formal 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:

Volusia 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 decision 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 decision will be forwarded to the TDLCB and all parties involved within ten (10) working days from the date of the decision. Written decisions 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. a recommendation and reasons for the decision based on the information provided.

If the complainant is dissatisfied with the decision 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 decision 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:

Volusia 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 decision 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 decision shall be forwarded to all parties involved within ten (10) working days from the date of the decision. A written decision shall include the following information:

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

If the complainant is dissatisfied with the decision of the TDLCB, he/she may continue the process with the TD Ombudsman Program by calling the following number(s) 1-800-983-2435 or 1-800-648-6084 (TDD) 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 listed order before a complaint or grievance will move to the next step.

## **ARTICLE VI: MEDICAID FAIR HEARING**

The Medicaid customer has the right to request a Medicaid fair hearing or go through the Grievance Procedures of the Volusia TPO Transportation Disadvantaged Local Coordinating Board. This option is only available to Medicaid customers. A Medicaid compensable service provider acting on behalf of the customer and with the customer's written consent may request a Medicaid fair hearing. Parties to the Medicaid fair hearing include the Commission as well as the customer and his or her representative or the representative of a deceased customer's estate.

### **a. Request Requirements**

The customer or provider may request a Medicaid fair hearing within 90 calendar days of the date of the notice of action.

The customer or provider may request a Medicaid fair hearing by contacting the Department of Children and Families at the Office of Public Assistance Appeals Hearings, 1317 Winewood Boulevard, Building 1, Room 309, Tallahassee, Florida 32399-0700.

b. General Plan Duties

The Commission for the Transportation Disadvantaged will:

1. Continue the customer's benefits while Medicaid fair hearing is pending if:
  - a. The Medicaid fair hearing is filed timely, meaning on or before the later of the following:
    - Within 10 workdays of the date on the notice of action (add 5 workdays if the notice is sent via U.S. mail); and
    - The intended effective date of the plan's proposed action.
  - b. The Medicaid fair hearing involves the termination, suspension, or reduction of a previously authorized course of treatment;
  - c. The services were ordered by an authorized provider;
  - d. The authorization period has not expired; and
  - e. The customer requests extension of benefits.
2. Ensure that punitive action is not taken against a provider who requests a Medicaid fair hearing on the customer's behalf or supports a customer request for a Medicaid fair hearing.

If the Commission for the Transportation Disadvantaged continues or reinstates customer benefits while the Medicaid fair hearing is pending, the benefits must be continued until one of the following occurs:

- a. The customer withdraws the request for a Medicaid fair hearing.
- b. 10 workdays pass from the date of the Commission's adverse decision and the customer has not requested a Medicaid fair hearing with continuation of benefits until a Medicaid fair hearing decision is reached. (Add 5 workdays if the notice is sent via U.S. mail.)
- c. A Medicaid fair hearing decision adverse to the customer is made.

d. The authorization expires or authorized service limits are met.

The Commission must authorize or provide the disputed services promptly, and as expeditiously as the customer's health condition requires, if the services were not furnished while the Medicaid fair hearing was pending and the Medicaid fair hearing officer reverses a decision to deny, limit, or delay services.

The Commission must pay for disputed services in accordance with state policy and regulations, if the services were furnished while the Medicaid fair hearing was pending and the Medicaid fair hearing officer reverses a decision to deny, limit, or delay services.

## **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**

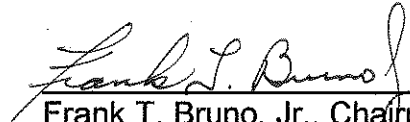
The Local Coordinating Board Grievance Procedures may be amended by a two-thirds (2/3) vote of members present, if a quorum exists, providing the proposed change(s) is/are mailed to all members at least seven (7) working days in advance of the meeting.

### **SECTION 2: QUORUM**

At all meetings of the 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/she is the Chairperson of the Volusia 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 Volusia TPO Transportation Disadvantaged Local Coordinating Board the 14th day of July 2010

  
Frank T. Bruno, Jr., Chairperson

ATTEST:

  
Recording Secretary