

WIREGRASS TRANSIT AUTHORITY

COMPLAINT AND COMPLAINT RESOLUTION POLICY

It is the policy of the Wiregrass Transit Authority to operate the public transportation program in an open and fair manner for employees, passengers, other transit providers, and the general public. No employee, passenger, other transit provider, or the general public will be discriminated against or suffer any reprisals from making a complaint. Complaints must be in writing and specific. Vague or general charges of unfairness that are not substantiated by facts will not be processed. When an allegation is made that a specific violation, misinterpretation, or inappropriate act has occurred the following steps should be taken to resolve the issue. Wiregrass Transit Authority will normally address and act on the complaint within fifteen business days of the date of receipt of the written complaint.

Verbal complaints will be handled less formally but will be afforded all due attention and respect for the concerns of the complainant. Both the Executive Director of SEARP&DC and the Manager of Wiregrass Transit Authority may decide to proceed on a verbal complaint based on the nature of the complaint and the credibility of the individual making that complaint.

Internal:

The Southeast Alabama Regional Planning and Development Commission's policies, rules, and practices are designed to benefit both employees and the Southeast Alabama Regional Planning and Development Commission. Supervisors and managers are responsible for applying and enforcing them fairly and consistently. Employees who believe that they have been treated unfairly or in a manner inconsistent with established policies may question or challenge a decision or action through the Southeast Alabama Regional Planning and Development Commission's formal dispute resolution system.

Employees who pursue a complaint through the dispute resolution system of the SEARP&DC will not be discriminated against or suffer any reprisals for using the system.

A "complaint" is an allegation by an employee that there has been a specific violation, misinterpretation, or unfair application of any of the Southeast Alabama Regional Planning and Development Commission's rules, policies, or procedures. Vague or general charges of "unfairness" that are not substantiated by facts will not be processed through the dispute resolution system.

Every effort should be made to settle a grievance informally. If this is not successful an employee must file a grievance in accordance with the steps listed below. The dispute resolution system will consist of a three-step procedure. Employees will have 10 working days in which to appeal a decision from one step to the next. Similarly, a decision at each step of the process must be rendered within 10 working days. A party's failure to meet these deadlines will result in settlement of the dispute in favor of the opposing party.

Step One -- Employees should discuss the problem or concern with their supervisor. If the complaint directly concerns the supervisor, workers may initiate the process at the second step.

Step Two -- If the conference with the supervisor does not settle the complaint, employees may file a written complaint with the Executive Director.

Step Three -- If dissatisfied with the decision of the Executive Director, employees may appeal to the Executive Committee, which is appointed by the Board of Directors. The Executive Committee will hear the complainant's case within two weeks after notice and will judge the grievance on the factors involved. A copy of the written grievance will be placed in the employee's personnel file and a copy will be supplied to the Executive Director. The Executive Committee will investigate the grievance and attempt to resolve the matter and give the employee a reply within 10 working days. Grievances may be reviewed by the Executive Committee by interviewing the employee involved plus the employee's written statement if he/she is unable to attend. A copy of the written reply will be placed in the employee's permanent personnel file and a copy will be supplied to the Executive Director.

External Complaints

During the normal course of providing service to the community, it is possible that some members of the public or a passenger will wish to lodge a complaint about the quality of service offered or the manner in which service is delivered. Every effort will be made to handle these issues quickly, courteously and fairly. All employees are reminded that everyone in the community has the right to express their concerns about our operations. One should also remember that the mere allegation of impropriety, however, does not establish proof that a violation has occurred. Every effort will be made to address and resolve customer complaints as quickly as possible but certainly within fifteen days.

Specifically, a "complaint" is an allegation by a member of the public that there has been a specific violation, misinterpretation, or inappropriate act by a member of Wiregrass Transit Authority. Vague or general charges of "unfairness" that are not substantiated by facts will not be processed through the dispute resolution system.

All complaints will be referred to Manager, Wiregrass Transit Authority for investigation and resolution. These complaints should be mailed to: Manager, Wiregrass Transit Authority, PO Box 1406, Dothan, AL 36302. Complaints may also be faxed to (334) 836-4132 or they can be emailed to transit@searpdc.org. Complaints specifically alleging inappropriate behavior by Manager, Wiregrass Transit Authority will be referred to the Executive Director, SEARP&DC at the address referred to above. The following steps are established to provide a framework for handling these issues.

Step One – The complaint is received by Wiregrass Transit, sufficient information is collected to allow an investigation and the individual is to be thanked for bringing

the matter to our attention. Upon receiving the complaint, we will neither be defensive nor argumentative.

Step Two – Manager, Wiregrass Transit Authority (or Executive Director) will investigate the facts, as presented, develop additional facts, identify (where possible) the employee in question and determine what actually occurred.

Step Three – If the complaint has merit, Manager, Wiregrass Transit Authority will counsel the appropriate employee and take the appropriate progressive disciplinary steps.

Step Four – Where applicable, Manager, Wiregrass Transit Authority will respond to the individual filing the complaint within fifteen business days. Depending on the desires of the individual and the nature of the complaint, this response may be either a telephone call (sufficiently documented) or a written response.

Step Five – For any egregious complaint, Manager, Wiregrass Transit will advise the Executive Director, SEARP&DC. A joint decision may be made to accelerate the disciplinary process or take other extraordinary actions to resolve the complaint.

Step Six – If the member of the public is not satisfied with actions taken locally or if they demand further action, these unresolved complaints will be referred to the Public Transportation Section of the Bureau of Multimodal Transportation, ALDOT in Montgomery. We will freely and promptly provide names, telephone numbers and addresses.

- POC: Mr. Joe Nix
- Tele #: 334-353-6421
- Email: nixj@dot.state.al.us
- Address: Bureau of Multimodal Transportation
ALDOT
1100 John Overton Dr
Montgomery, AL 36110

The entire issue of complaint resolution, whether it is one of our employees or a member of the public, is one of courtesy and common sense. We serve the public and they have a right to share their concerns with us. We will handle all complaints courteously and will not allow ourselves to “argue” about the merits of any complaint. In many instances, individuals merely want “to be heard”. We will give them that opportunity.

Appendix A

Other Complaint Procedures

On occasion there may be other issues or occurrences where an individual will perceive a need to formally file a complaint either with or against this organization. The specifics of these procedures are detailed in the appropriate policies of the Southeast Alabama Regional Planning & Development Commission or in the appropriate federal guidelines. As a matter of reference, the more common of these situations are addressed below.

1. Private Transit Operator Complaint Policy

If a private transit operator has issue with Wiregrass Transit Authority, he or she should address the matter with the Transit System Director within 3 days of the occurrence. *Complaints must be specific and in writing.* The Transit System Director will investigate and resolve the matter within fifteen business days of the receipt of the written complaint. If the matter is not satisfactorily resolved at this point, the Executive Director, Southeast Alabama Regional Planning & Development Commission will be consulted.

2. General Complaint Policy

If a member of the general public has a complaint with a Wiregrass Transit Authority employee, policy, or other issue, he or she should bring the matter to the attention of the Manager, Wiregrass Transit Authority within 3 days of the occurrence. Complaints must be specific and in writing. If the complaint involves the Manager, Wiregrass Transit Authority the member of the general public should address the issue with the Executive Director, SEARP&DC. The Manager, Wiregrass Transit Authority will listen to all parties involved in the situation, investigate with outside sources if necessary, and resolve the matter within fifteen business days of the receipt of the written complaint. If the Manager, Wiregrass Transit Authority cannot resolve the matter, it will be brought to the Executive Director, SEARP&DC for resolution. If the member of the general public does not feel the matter has been resolved at this point, the Executive Board, SEARP&DC should be consulted and the matter brought before the entire Board of the SEARP&DC if necessary. The process for doing this is outlined in the dispute resolution portion of the Southeast Alabama Regional Planning & Development Commission's Personnel Policies and Procedures Manual.

3. Bid Protest Procedures for Wiregrass Transit Authority

The following bid protest procedures have been written in compliance with the Federal Transit Administration (FTA) Third Party Contracting Guidelines (Circular 4220.1F). Parties that wish to file a bid protest should review these procedures in conjunction with FTA's Circular 4220.1F. These procedures also address complaints or appeals regarding the funding of unsolicited proposals and other protests unrelated to the solicitation

process and contract award decisions. Wiregrass Transit Authority protest procedures will be referenced in the bid documents in order that interested parties will know their rights under these protest procedures.

4. Protests Pertaining to the Contract Solicitation Process or Contract Award Decision

The following procedures and time requirements shall be applied uniformly in processing all protests. Protests may be made by active or prospective bidders whose direct economic interest would be affected by a solicitation, proposed award, or award of a contract. Protests must be submitted in writing to:

Manager
Wiregrass Transit Authority
PO Box 1406
Dothan, AL 36302

Wiregrass Transit Authority will consider all written protests made within the timelines stated in this document. Protest submissions should be concise, logically arranged, clearly state the grounds for the protest, and must include at least the following information:

1. Name, address, and telephone number of protestor.
2. Solicitation or contract name and/or number.
3. A detailed statement of the legal and factual grounds for the protest, including copies of all relevant documents or information.
4. A statement of relief requested.

Only written protests received within the timelines stated in these procedures will be considered. Upon receipt of a protest, Wiregrass Transit Authority will notify the protestor that the protest has been received by mail within five (5) working days. Wiregrass Transit Authority may request additional information from the protesting party, which must be submitted in writing to Wiregrass Transit Authority within five (5) working days from the date of the Wiregrass Transit Authority request.

Within twenty (20) working days of receipt of a written protest, Wiregrass Transit Authority shall either:

1. Issue a final written decision which responds in detail to each issue raised in the protest and includes a rationale for the decision rendered, or
2. Conduct, Wiregrass Transit Authority discretion, an informal hearing to allow the interested participating parties an opportunity to present their positions and supporting facts, documents, justification, and technical information. Wiregrass Transit Authority will advise all interested parties of the final decision in writing no later than five (5) working days from the date of the informal hearing.

5. Protests before Proposal Solicitation

Bid protests alleging restrictive specifications or improprieties, which are apparent prior to bid or proposal opening, must be submitted in writing to Wiregrass Transit Authority and must be received at least five (5) working days prior to bid/proposal opening. Bids will not be opened until five (5) working days after resolution of the protest unless Wiregrass Transit Authority determines that:

1. The items to be procured are urgently required;
2. Delivery or performance will be unduly delayed by failure to make award promptly; or
3. Failure to make award will otherwise cause undue harm to Wiregrass Transit Authority

If the written protest is not received by the time specified, bids or proposals may be received, opened and awarded in the normal manner unless Wiregrass Transit Authority determines that it is in the best interest of all concerned to delay any step.

6. Protests after Opening of Proposal Solicitation and Prior to Award

Protests against the making of an award may be made after bid opening and prior to award. Such protests must be submitted in writing to Wiregrass Transit Authority and must be received by Wiregrass Transit Authority within five (5) working days of the bid opening. If Wiregrass Transit Authority decides to withhold the award pending resolution of the protest, Wiregrass Transit Authority will notify all bidders whose bids or proposals might become eligible for award, and offer them the option to extend or withdraw the bid or proposal beyond the 120-day validity period. Awards will not be made until at least five (5) working days after resolution of the protest unless Wiregrass Transit Authority determines that:

1. The items to be procured are urgently required;
2. Delivery or performance will be unduly delayed by failure to make award promptly; or
3. Failure to make award will otherwise cause undue harm to Wiregrass Transit Authority or the federal government.

7. Protests after Award

Protests received after announcement of an award or after a contract has been executed will only be considered if Wiregrass Transit Authority determines that the matter is in the public interest or the protest presents clear and convincing evidence of fraud, misrepresentation, other illegality, or gross impropriety in the selection of a bid/proposal. If a protest is under consideration, Wiregrass Transit Authority shall evaluate the bid/proposal at issue a second time in its entirety and use the same evaluation criteria and rating factors applied in the initial review of the bid/proposal. The bid/proposal will be evaluated by a panel designated by the Wiregrass Transit Authority.

If a protest involving an executed contract is under consideration, Wiregrass Transit Authority will notify the selected contractor of the protest and its basis and may, at its discretion, order the contractor to suspend all Wiregrass Transit Authority work activities. If the awarded contractor has not executed the contract as of the date the protest is received by Wiregrass Transit Authority, the contract will not be executed until five (5) working days after resolution of the protest unless Wiregrass Transit Authority determines that:

1. The items to be procured are urgently required;
2. Delivery or performance will be unduly delayed by failure to make award promptly; or
3. Failure to make award will otherwise cause undue harm to Wiregrass Transit Authority.

8. Protests Pertaining To the Funding Of Unsolicited Proposals

The submission of unsolicited proposals is inconsistent with Wiregrass Transit Authority policy to promote a full and open competition among interested parties for FTA contract funds. The filing of unsolicited proposals, therefore, will be deemed inappropriate by Wiregrass Transit Authority and returned to the sender; complaints or appeals calling for reconsideration of such proposals will not be accepted.

ALL complaints unresolved at the local level will be submitted to the Alabama Department of Transportation for final resolution to the Alabama Department of Transportation, Multimodal Engineer, Bureau of Transportation Planning and Modal Programs, 1100 John Overton Drive, Montgomery, Alabama 36130, telephone number (334) 353-6401.