

MVFHA Draft Complaint & Hearing Resolution Process

Article _____, Section _____ - Complaints & Hearings

1. Any complaints and/or grievances individuals may have regarding the application of the Motor Vehicle For Hire Authority (MVFHA) Rules and Regulations, the conduct of Certificate of Registration and/or Drivers Permit holders, any rules, regulations, policies, or procedures of the MVFHA may be formally submitted to the MVFHA in writing by completing and submitting a formal complaint. The formal complaint must include, but not be limited to the following:
 - a. The name, company, address, and telephone number of the person or company filing the complaint;
 - b. The date, time and place and a description of the alleged incident which generated the complaint;
 - c. The person(s) involved in the incident which generated the complaint;
 - d. A description of how the incident came about, which is the subject of the complaint.
 - e. The identification of any witnesses to the alleged incident which generated the complaint including name, address, and telephone number, if known.
 - f. All complaints must be submitted within thirty (30) calendar days of the incident which generated the complaint. Failure to do so, will result in the MVFHA considering said complaints abandoned or voided.
2. Upon receipt of the formal complaint by the MVFHA, the complaint and/or grievance will be reviewed by the Administrator. Upon review and investigation, the Administrator will determine in his sole discretion whether the subject of the formal complaint warrants consideration at a hearing. If the subject of a formal complaint form is found to have no merit and does not warrant a hearing, then the person(s) who submitted the form shall be sent a response stating that the investigation of the Administrator has been completed and their findings reveal the complaint has no merit. Once the subject of the formal complaint is found to warrant consideration at a hearing, the Administrator will determine in his

sole discretion whether the subject of the formal complaint form should be addressed individually or in common with others similarly situated.

- 3.** Upon determination that the formal complaint form should be addressed on an individual basis, the incident which is the subject of the complaint form will be addressed with all the concerned parties present at a proceeding held by the Administrator of the Motor Vehicle For Hire Authority. Said proceeding shall be scheduled by the Administrator at a time, date, and location selected by the Administrator. The Administrator shall notify all concerned parties orally or in writing at least ten (10) calendar day in advance of the day of the proceeding.

At this proceeding, the Administrator and all concerned parties shall discuss the complaint and determine whether a mutually satisfactory disposition may be reached. If there is a mutually satisfactory disposition reached, the parties concerned and the Administrator shall execute a written documentation of same. The procedure of the proceeding shall address the following areas:

- a.** The subject matter surrounding the complaint, the grievance and/or suggestion shall be presented first;
 - b.** The Administrator shall then present the MVFHA's response to the complaint. The Administrator may question all witnesses who testify in support of any complaint or in opposition to any grievance complained of in the complaint form;
 - c.** The person(s) who submitted the complaint shall then present his case, the person(s) who submitted the complaint form may question all witnesses who testify in support of any complaint or in opposition to any grievance complained of in the complaint;
 - d.** If either the party who filed the complaint or the party the complaint was filed against feels aggrieved by the action taken by the Administrator during this proceeding, he/she may appeal this action to the MVFHA Board of Representatives.
- 4.** Upon determination that the formal complaint should be addressed in common with others similarly situated, the subject of the formal complaint will be addressed with all concerned parties present at a forum held by the Administrator of the Motor Vehicle For Hire Authority. Said forum shall be scheduled by the Administrator at a time, place, and

date selected by the Administrator. The Administrator shall notify all concerned parties orally or in writing at least ten (10) calendar day in advance of the forum.

At this forum, the Administrator and all concerned parties shall discuss the subject of the formal complaint form and determine whether a mutually satisfactory disposition may be reached. If there is a mutually satisfactory disposition reached, all parties concerned and the Administrator shall execute a written documentation of same.

5. Any individual who exhausts the above remedies and is unsatisfied with the results may request an administrative hearing by submitting such request in writing to the Motor Vehicle For Hire Authority within five (5) working days of the date of the proceeding with the Administrator. Once a valid and timely appeal form is received, the MVFHA will conduct an administrative hearing to review the individual's complaint and/or grievance and determine whether a satisfactory disposition may be reached.

The procedure for this type of Administrative Hearing is as follows:

- a. The Airport Authority will deliver written notice of the hearing to the Appellant at least five (5) calendar days in advance of the day of the hearing.
 - i. The delivery of written notice may be in person to the Appellant, his or her designee, employee, agent or representative; or by Certified United States Mail to the business or residence address of the Appellant. If in person, delivery shall be effective the instant it is delivered. If by Certified United States Mail, delivery shall be effective on the date of the post mark.
- b. The written notice shall include, but not to be limited to the following:
 - i. The name of the Appellant.
 - ii. The date, time, and place of the hearing.
 - iii. A description of the complaint and/or grievance as stated by the Appellant in his/her original complaint submitted to the MVFHA in compliance with this section.
 - iv. A brief explanation of the position of the MVFHA, including any evidence, which may be presented at the hearing.
 - v. Proposed solution of the Administrator as presented in the proceeding with the Administrator.

- vi. An invitation to appear at the hearing:
 - 1. to rebut the proposed solution submitted by the Administrator;
 - 2. to present the Appellant's side of the story and/or proposed solution;
 - 3. to introduce testimony and other evidence; and/or
 - 4. to furnish a written response to the Administrator's proposed solution.
- c. At the hearing, the Appellant has all of the rights stated in the invitation to appear described in Paragraph b(vi).
- d. The MVFHA may call witnesses and introduce other evidence in support of the Administrator's proposed solution. The Motor Vehicle For Hire Authority Board of Representatives shall select a Hearing Officer, who shall control the conduct and decorum at the hearing. The Board Representatives may or may not attend the hearing, at their sole discretion.
- e. Hearings shall be conducted in the administrative office of the MVFHA (or available conference room), of the Gulfport- Biloxi International Airport Passenger Terminal Building, 14035 Airport Road, Gulfport, Mississippi.
- f. The procedure at the hearing shall be as follows:
 - i. The complaint or grievance shall be presented first.
 - ii. The Appellant shall then present his/or/its case.
 - iii. The Hearing Officer may question all witnesses who testify in support of the complaint and/or grievance or in opposition to the complaint and/or grievance.
 - iv. Although the Hearing Officer may be liberal in allowing matters to be presented in becoming part of the hearing record, only evidence relevant to the complaint and/or grievance shall be considered by the Governing Board determining what disposition, if any, should be determined.
- g. (1) If the Administrative Hearing is conducted at a meeting of the MVFHA Board of Representatives, the Board may render a disposition of the complaint and/or grievance at the conclusion of the hearing.
(2) If the Administrative Hearing is not conducted at a meeting of the MVFHA

Board of Representatives, the Hearing Officer shall forward a copy of the hearing record, to the Board of the Representatives, within thirty (30) calendar days after the conclusion of the hearing. Within forty-five (45) calendar days after receiving a copy of hearing record from the Hearing Officer, the MVFHA Board of Representatives shall consider the record and deliberate an Executive Session and a regular or special meeting and shall render a decision as to whether the complaint and/or grievance can be resolved, and if so, what action, if any, to take. The MVFHA Board of Representatives shall render a decision based solely on the record and no additional evidence will be considered. The meeting of the MVFHA Board of Representatives shall not be a *de novo* hearing, and no evidence may be offered to the MVFHA Board of Representatives or considered by the MVFHA Board of Representatives other than the record. The MVFHA Administrator shall furnish written notification to the Appellant of the Board of Representatives' decision within fifteen (15) calendar days after rendering a decision.

- h.** Any action taken by the MVFHA Board of Representatives in an effort to resolve the complaint and/or grievance may, in their discretion, take effect immediately following the regular or special meeting at which the decision is rendered.
- i.** The above administrative proceeding shall be exhausted first before any party may appeal the action on the record to the City Council of the municipality where the applicant resides or where the applicant's employer is located, and shall constitute the sole and exclusive administrative remedy available to all individuals concerning any grievance whatsoever occurring on or in any manner involving the MVFHA and the complaint. If the applicant neither resides nor is employed by an employer located in any of the participating municipalities, appeal shall be taken to the City Council of one of the municipalities participating in the Interlocal Agreement. Appeals to the appropriate City Council shall be perfected by the filing of a Notice of Appeal with the City Clerk of the appropriate participating municipality within ten (10) days of the decision of the Board of Representatives.

- j. In the event that any individual refuses to comply with the action taken by the MVFHA Board of Representatives, the MVFHA may enforce the action of the MVFHA Board of Representatives, the MVFHA may enforce the action of the Board of Representatives in any court of appropriate jurisdiction.
- 6. The above administrative proceedings shall be exhausted first before any party may appeal the action on the record to the appropriate City Council of a participating municipality of the Interlocal Agreement pursuant to Section 4.5.3 of the Agreement, and shall constitute the sole and exclusive administrative remedy available to all individuals concerning any grievance whatsoever occurring on or in any manner involving the MVFHA and the complainant.

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