

To: Board of Directors

Date: 9/11/2012

From: Anne Muzzini, Director of Planning & Marketing

Reviewed by:

SUBJECT: Revision of LINK Late Cancellation/No Show Policy

Background:

The LINK system has a late cancel/no-show policy that was adopted by the Board and sets out penalties for multiple no-shows or late cancellations. The Federal Transit Administration Triennial Review done in July of 2012 found that the policy does not adequately spell out that a “pattern or practice” of no shows or late cancels is what triggers penalties.

The U.S.DOT regulations implementing ADA address the issue of no-show policies in ADA complementary paratransit programs. Specifically, 49 CFR 37.125(h) states that:

The entity may establish an administrative process to suspend, for a reasonable period of time, the provision of complementary paratransit service to ADA paratransit eligible individuals who establish a pattern or practice of missing scheduled trips.

The no-show policy being used by East Bay Paratransit was reviewed with Mr. Prangly, the triennial auditor, to determine what would be acceptable language. Based on his acceptance of their policy only minor changes are necessary. The proposed modifications are shown in the strike out version attached.

Recommendation:

The O&S Committee recommends that the Board approve the proposed changes to the no-show/late cancellation policy to include language specifying that a pattern or practice of no-shows is required.

Financial Implications:

There are no financial implications that would result from the change recommended.

SUBJECT: LINK Late Cancellation/No-Show Policy

POLICY: An individual who demonstrates a pattern or practice of repeated no shows or late cancellations without sufficient notice is in violation of the Late Cancellation/No Show-Policy. The basic penalty results in loss of service after two late cancels or no shows within one month. ~~cancels or is a no-show for two or more trips per month without sufficient notice has committed a violation of the Late Cancellation/No Show Policy (“violation”).~~—An individual who violates the Late Cancellation/No-Show Policy will be subject to a loss of service for one month for the first violation, two months for the second violation, and three months for the third violation in a calendar year. Sufficient notice is defined as one hour prior to pick-up time in determining no-shows and twenty-four hours prior to pick-up time in determining cancellations. An individual is considered a no-show if the County Connection is not notified one hour before the scheduled pick-up time or if the driver waits five minutes after the pick-up time and the individual is not ready for boarding. Of course, exception will be made for illness or other emergencies (including cancellation of a doctor's appointment by the doctor).

Individuals who have subscription service, and violate the Late Cancellation/No-Show Policy, will be subject to a loss of their subscription service. Individuals who lose their subscription service due to a violation of this policy will not have their subscription service reinstated and will not be eligible for future subscription service.

Individuals who are subject to a loss of service due to violation of the Late Cancellation/No-Show Policy will be notified in writing of the proposed suspension and the basis for the suspension, and the individuals will have the opportunity to be heard and to present information and arguments. The County Connection will issue a written notice of the decision, including the reasons for the decision. The individual may appeal the decision within sixty (60) days of the decision to suspend service. The individual will have the opportunity to be heard and to present information and arguments before an individual or panel not involved in the initial decision to suspend service. The County Connection will issue a written notice of the decision, including the reasons for it.

DATE OF ADOPTION: February 17, 2000