

Dutchess County HIV Health Services Planning Council

Grievance Policy and Procedures

Policy Statement

It shall be the policy of the Planning Council to attempt to resolve grievances regarding Council decisions through informal dispute mechanisms, including appropriate use of Council subcommittees and facilitated mediation. The Planning Council Chair, Manager, and Planning and Allocations Committee Chair shall attempt to informally resolve disputes by providing information to or arranging meetings with entities dissatisfied with adherence to Planning Council processes. Grievants are expected to cooperate with the Planning Council in efforts to resolve the disagreement before formal grievance procedures are pursued. The purpose of the grievance procedure is to provide an equitable and amenable solution to conflicts which arise through the conduct of Planning Council business.

Eligible Grievances

A challenge to PC funding decisions includes a complaint on how funding priorities are established, how needs are assessed, the comprehensive planning process, or why funds are allocated to various service categories.

Eligible Grievants

Entities directly, adversely affected by alleged deviations from Planning Council processes related to of Ryan White CARE Act Title I funds. These entities are limited to:

- service providers eligible to receive Ryan White Title I funding
- infected/affected individuals

Procedure

The Executive Committee will serve as a neutral body to resolve conflicts which arise. Nothing in these procedures is to be interpreted as giving the Executive Committee the responsibility to protect any agency, the administrative agency, or the funding process. The procedure shall be applied in such a way as to assure a fair opportunity for presenting and resolving the complaints and grievances of the grievant. For definitions of terms used in this document, please see the attached list. A grievant shall not be discriminated against nor suffer retaliation as a result of filing a grievance in good faith, nor as a result of participation in the investigation of a grievance.

1. Committee Conflict of Interest

- a. A member of the Executive Committee must be free of an apparent conflict of interest in order to participate in a particular grievance proceeding. If there is an apparent conflict of interest, the member must remove herself or himself from participating in the grievance procedure relating to the grievant. The Executive Committee may vote to exclude a member if apparent conflicts are raised by the grievant.
- b. A member has a conflict of interest if the member is affiliated with the grievant. Affiliation is defined as, but is not limited to, staff member, board member, volunteer, contractor, or owner.

2. Representation

- a. In exercising the rights and remedies under this grievance procedure, grievants may present a grievance, either individually or through a representative. The representative may assist grievants in the preparation of their written grievance and present the grievance at the grievance hearing. However, nothing in these procedures requires the Executive Committee to send its written responses to or notices on a grievance to a grievant's representative rather than the grievant.
- b. While the grievants are free to have a representative of their choice, there is no provision for the Planning Council to pay compensation to or reimburse the expenses of a representative.
- c. Grievants electing representation must designate their representative in writing on the grievance form at the time the grievance is filed. In all cases, all parties, including the representative, must conduct themselves in a professional manner and afford the persons present due respect. The failure to do so shall be grounds to terminate the grievance hearing, in which case the grievance will be decided on the basis of the written grievance and the information obtained prior to the termination of the hearing. Repeated or gross misconduct by an individual shall also be grounds to disqualify that individual from participating in future grievance hearings.

3. Grievance Steps

- a. All grievances must be submitted on the grievance. If grievants anticipate relying on the testimony of witnesses to support their grievance, they shall list the witnesses and give a brief summary of their testimony as an attachment to the grievance form. The grievance form is to be used by the grievants and the Executive Committee in all grievance procedures.
- b. Grievants must submit the signed, completed, original grievance form to the Planning Council Office within thirty calendar days of the occurrence giving rise to the grievance or within thirty calendar days of their first learning of the occurrence if it was not reasonable for them to have had knowledge of the occurrence sooner.
- c. When a grievance is filed against the Planning Council's decisions or over continuing conditions, the Planning Council Manager shall send a copy of the filed grievance to the Executive Committee Chair, the Administrative Agency, and any other party named in the grievance. The steps will be conducted as follows:
 1. The grievance form shall be filed with the Planning Council Office.
 2. The Planning Council Manager shall send a copy of the filed grievance to the involved parties, Chair of the Executive Committee and the Administrative Agency.
 3. The Chair of the Executive Committee will determine who is qualified to vote and participate in the grievance process. If the Chair determines that there are not three voting members, the Chair of the Executive Committee will appoint additional members from the existing Full Council membership to serve with the Executive Committee for the purpose of the grievance.
 4. After receiving the grievance, the Executive Committee Chair shall schedule the date for a hearing within ten working days of receiving the grievance and shall notify the grievant of the time and the place. There must be a hearing by the Executive Committee before a recommendation for resolution is made. All efforts must be made for a speedy resolution and of the grievance. If so noted,

the Executive Committee will take transportation issues into consideration when selecting a location.

5. Grievants may elect to present their grievance individually or to have a representative present the grievances during the hearing.
6. The Executive Committee will respond in writing to the grievance within five working days after the hearing.
7. The Executive Committee shall recommend a resolution to the Planning Council and the grievants.
8. The decision of the Executive Committee shall be followed by the Planning Council.
9. If, after the Planning Council follows the recommendation by the Executive Committee, the grievant is dissatisfied with the action of the Planning Council, the grievant may file an appeal to the Commissioner of Health.
10. An appeal to the Commissioner of Health in the form of a letter must be filed within ten working days of the Planning Council's action.
11. The Planning Council shall act upon the Commissioner of Health's decision at the next Full Planning Council meeting whenever possible.
12. The decision of the Commissioner of Health is final. The Planning Council's grievance procedure is completed once the Commissioner of Health has responded to the grievance.

Grievance Hearing Rules of Conduct

1. The Executive Committee is required to allow grievants adequate time to fully present their issues and receive answers to their inquiries.
2. The grievance participants are encouraged to dialogue with one another and all members of the Executive Committee. The hearing is not to be set up as an adversarial process.
3. The grievants or the Executive Committee may request persons be present to witness the proceedings, especially the Administrative Agency's staff and Planning Council Committee Chairs.
4. If witnesses are called, the witness shall be questioned while the grievance participants are present.

General Provisions

1. All of the time limits set forth in this grievance procedure may be extended by mutual consent; however, the mutual consent must be in writing.
2. The grievance shall be considered closed if the Planning Council's action on the grievance is not appealed within the time limit or mutually agreed extension thereof.
3. The Executive Committee shall base its recommendation on the evidence presented either at the hearing, or in the written grievance, or both.
4. The Executive Committee shall have broad discretionary authority to investigate the grievance.

Witnesses

1. Grievants may send a list of requested witnesses to the Executive Committee Chair. The Chair is responsible for inviting the requested witnesses or representatives of the witnesses to the hearing.

2. The Chair has the authority to deny a request for a witness to be present. The grievant may raise the denial of the request at the grievance hearing for the Executive Committee to consider.
3. Planning Council members are encouraged to serve as witnesses and provide statements for the grievant and the Executive Committee when requested to do so.

Confidentiality

1. Members of the Executive Committee and any support staff shall sign confidentiality statements to ensure that the information gathered in the investigative process is held in confidence.

Recordings

The grievance procedure is intended to be a problem solving process for addressing grievances. The use of recorders in the grievance process creates a format and adverse atmosphere that is in direct conflict with the purpose of the problem solving approach. Recording (and reporters) may not be used in the grievance process including. As reasonable accommodation for a physical impairment, a grievant may use a qualified interpreter or a recorder.

Open Records

1. Once a grievance is filed, the grievant is entitled to review documents to support the grievant's claim and prepare for the hearing. The grievant must provide in writing a list of the documents requested. The request must be sent to the Planning Council Manager at which point it will be forwarded to the Chair of the Executive Committee. The Executive Committee will coordinate the Open Records request with the Administrative Agency.
2. The grievant shall be given the opportunity to review the documents requested at the Administrative Agency's office.

Failure to Appear

Barring exceptional circumstances, if the grievant fails to appear without notice to the Executive Committee at a scheduled hearing, no further action will be taken on the grievance.

Definitions

Executive Committee: is composed of the Council chair and vice-chair, chairs from each committee, the County Executive's representative and Dutchess County Department of Health representative. It may appoint other members when it deems necessary.

Grievant: is a person or entity seeking a resolution of a grievance.

Party: refers to one of the participants in the grievance process. This may include the grievant who brings the grievance action and the person, group or agency against which the grievance is brought.

Remedy: is a result sought by a grievant. It can include a process change or a reversal of a decision.

Representative: is a person sought by the grievant to act in their place during the grievance process.

**DUTCHESS TGA
SUBMISSION OF GRIEVANCE**

-----To be completed by receiving authority-----

Grievance #: _____ Signature of Receiving Authority: _____
Date: _____ Time: _____

Procedure designated by receiving authority: (To be completed by receiving authority)
A. Planning Council Grievance Process
B. Appeal to the Commissioner of Health

-----To be completed by Grievant-----

Procedure requested by submitting party(ies): (circle one)
A. Planning Council Grievance Process
B. Appeal to the Commissioner of Health (You must first complete A before requesting B)

Statement of Grievance: (must include date questioned decision/action was taken, by what entity, and the reasons for filing the grievance; use additional sheets as necessary)

Statement of Previous Action Taken: (The steps the grievant has taken to date to seek resolution including any offer of resolution and reasons for rejection; use additional sheets as necessary)

Statement of Remedy Desired by Grievant: (recommended solution or relief requested; use additional sheets as necessary) *Note that remedies may be limited to future action and may not be able to reverse decisions retroactively.*

<Continued on Following Page>

Name of Grievant: _____

If Grievant is an organization, name of authorized individual: _____

Address: _____

City/State/Zip Code: _____ / _____ / _____

Telephone Number: _____ Fax Number: _____

Signature: _____

Name of Responding Party: _____

If Responding Party is an organization, name of authorized individual: _____

Address: _____

City/State/Zip Code: _____ / _____ / _____

Telephone Number: _____ Fax Number: _____

Signature: _____

Please file 3 copies of this form to the Planning Council Manager:

Planning Council Manager
Dutchess County HIV Health Services Planning Council
29 North Hamilton Street, #221
Poughkeepsie, NY 12601
Tel: 845.452.8805
Fax: 845.452.8828
info@hivplanningdutchess.org

The Planning Council Manager shall notify the filing party of any determinations or decisions that are made.

DUTCHESS COUNTY RYAN WHITE PART A

GRIEVANCE PROCEDURE: CONFIDENTIALITY FORM

Name: _____

I the undersigned hereby affirm that:

- A) I have been informed and acknowledge that during the conduct of the dispute resolution process I may be the recipient of, or made aware of, information which is considered to be confidential;
- B) Any and all information provided (either in verbal, electronic, or written form) to me in fulfilling my role in this dispute resolution process shall remain confidential throughout the process and beyond; I also agree that I will not discuss this grievance with any parties which are not a part of this process; and,
- D) I understand that failure to comply with the confidentiality requirements of this process may result in my dismissal from the Planning Council and/or may subject me to such civil and/or criminal actions as may exist under New York law.

To be signed at the beginning of the dispute resolution process:

Signature: _____ Date: _____

To be signed at the conclusion of the dispute resolution process:

Signature: _____ Date: _____