



LOS ANGELES COUNTY COMMISSION ON HIV

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APPROVED, 3/15/2012

SUBJECT: Roles, responsibilities and procedures governing the Commission's management of grievances concerning local planning and the continuum of care.

PURPOSE:

- To define various types of allowable grievances in the HIV continuum of care at the provider, agency, service and/or system levels, as well as who will respond to these grievances — and how they will respond.
- To distinguish the types of grievances to which various system partners must respond, and to delineate the types of grievances to which the Commission, specifically, must respond.
- To outline the roles and responsibilities of partners in the HIV system grievance process to ensure that claims and/or disputes are resolved as early and quickly as possible; to prevent delays or interruptions in service delivery and planning; and to secure cooperation by all of the partners in the resolution of grievances.
- To detail the processes, procedures and rules that guide how the Commission responds to, addresses and resolves appropriate and applicable service- and system-level grievances.
- To empower consumers, providers and other stakeholders to address weaknesses or gaps in the system of care; improve service and planning quality, satisfaction and delivery; and to reduce disparities and enhance access in care services.
- To provide a vehicle for direct consumer, provider and stakeholder input; to establish a mechanism for issues of concern to be raised; and to engender transparency in the planning, development and implementation of HIV services.
- To comply with Ryan White Program requirements of explaining the planning council's process of addressing disputes and grievances regarding Ryan White funding, priorities, allocations and planning; and the procedures employed in the adjudication, conflict/dispute management, non-binding mediation and binding arbitration to resolve disputes and conflicts.

BACKGROUND:

- Since 1990, federal Ryan White legislation has required grantees and planning councils to establish procedures for addressing grievances in their respective areas of responsibility: **“Grievance procedures:** A planning council . . . shall develop procedures for addressing grievances with respect to funding . . ., including procedures for submitting grievances that cannot be resolved to binding arbitration.” [Ryan White Treatment Extension Act of 2009 (Title 42 > Chapter 6A > Subchapter XXIV > Part A > subpart i > § 300ff-12 > (b) > (6)]
- In accordance with Ryan White Program requirements, the Los Angeles County Board of Supervisors approved a grievance policy in April 1997 governing the processes and procedures for the grantee and the planning council to address grievances in their respective areas of authority.
- Health Resources and Services Administration (HRSA) guidance requires that grievances must be able to address “decisions with respect to funding.” For planning councils, grievance procedures must cover the process of establishing priorities (including any language regarding how best to meet the established priorities), allocating funds to those priorities, and any subsequent process to change the priorities or allocations.
- Health Resources and Services Administration (HRSA) guidance dictates that individuals or entities directly affected by the outcome of a decision related to services are entitled to bring a grievance. At a minimum, directly affected parties must include: consumers, consumer groups, coalitions and caucuses; providers eligible to receive Ryan White funding; and other affected entities and individuals, as determined locally.

[Ryan White HIV/AIDS Program Part A Manual (2009), VI. Planning Council Operations, 5. Grievance Procedures] “Part A grantees and planning councils are both legislatively mandated to have in place a grievance process regarding funding decisions. The intent is to provide an orderly and fair process for addressing dissatisfactions. (F)ormal written grievance procedures must be available” (Introduction)... “The legislative intent calls for local flexibility in the development of grievance procedures and the resolution of grievances through progressive steps that lead up to binding arbitration when grievances cannot otherwise be resolved. At local discretion, procedures can address other types of disputes besides funding that are faced by planning councils and grantees” (B. HAB/DSS Expectations).

- The following grievance policies and procedures update and clarify the Commission’s role and responsibilities addressing appropriate grievances, in accordance with requirements addressed in Sections 2602(c)(2), 2602(c)(1)(A), and 2602(c)(1)(b) in the Ryan White Treatment Extension Act of 2009.

POLICY:

- 1) Introduction.** Grievances covered by these procedures concern the local Ryan White-funded system's decision-making process.
 - Grievances are legitimate when they allege that the process fails to conform to HRSA requirements governing the Ryan White Part A administrative mechanism, system planning, continuum of care or that one of the Ryan White partners failed to follow its own procedures.
 - Any individual or entity directly affected by the outcome(s) of an action taken by one of the principal Ryan White partners that does not conform to approved continuum of care is entitled to submit a grievance under this policy/procedure.
 - The grievance process covered herein is intended to be a positive action designed to address and resolve inconsistencies or disparities in system planning and implementation, rather than a prosecution of fault and resulting punitive remedies.

- 2) Limitation(s):** HRSA guidance reads "Local procedures should clearly address whether the results of the grievance should be prospectively addressed (e.g., not requiring reversals of decisions such as approved expenditures), or allow for retroactive resolution (e.g., changes in funding decisions)" [Ryan White HIV/AIDS Program Part A Manual (2009), VI. Planning Council Operations, 5. Grievance Procedures, C. Steps in Dealing with Grievances, "Funding of Projects after a Grievance is Filed"]. In accordance with Board-adopted policy (5/6/1997), resolution of grievances will not include funding settlements retroactively applied.

- 3) Scope of the Policy.** This policy/procedure describes:
 - Various types of grievances and which parties are responsible for responding to them;
 - Commission responsibilities in response to service- and system-level grievances;
 - The process and procedures to be followed to address a grievance; and
 - Partner communication strategies to ensure seamless responsiveness to stakeholder complaints.

- 4) Descriptions.** Following are the types of grievances comprised in the Commission's and Division of HIV and STD Program's (DHSP's) respective grievance policies and procedures:
 - **Provider-level** – Service consumer claims about care and treatment services delivered by specific individual providers;
 - **Agency-level** – Service consumer claims about care and treatment services rendered by specific agencies/organizations;
 - **Service-level** – Stakeholder claims that the delivery of services in specific service categories do not meet the needs of consumers or do not appropriately reflect the intent of planning or standards; and
 - **System-level** – Stakeholder claims that service delivery implementation does not follow pre-established rules and requirements set by the planning council, grantee and/or administrative agency.

- 5) Commission Grievance Authority.** The Commission is responsible for service- and system-level grievances that concern adherence to the continuum of care, such as, but not limited to, the comprehensive care plan; priorities, allocations and directives; and/or standards of care:
- Failure to implement services in accordance with service system plans, the continuum of care and/or standards of care;
 - Non-adherence to the Commission’s established priority- and allocation-setting process procedures;
 - Non-compliance with the Commission’s priority- and allocation-setting decisions; and
 - Service procurement and funding inconsistency with system plans, priorities, allocations and/or directives.
- 6) Beyond the Scope of the Policy.** This policy/procedure does not cover the following types of claims and grievances:
- Claims about services provided/not provided by specific staff and/or agencies;
 - Contracted agency or organizational internal or initial grievance processes;
 - Contracting, monitoring, auditing and/or reimbursement disputes involving specific agencies;
 - Individual grievances about personnel or Commission members;
 - Grievances and appeals about services/benefit programs outside of the Ryan White-funded continuum of care;
 - Prevention appeals, unless involving care and treatment;
 - Grievances of decisions made by the CEO (Board of Supervisors); and
 - Funding application appeals.
- 7) Other Authorities.** The administrative agency, DHSP, is responsible for addressing grievances concerning the specific services provided to consumers (provider- or agency-level grievances), and/or technical violations and/or outcomes of the process for selecting contractors, making awards, contracting/monitoring or any subsequent process to change the selection of contractors or awards.
- 8) Process/Procedure Appeals.** As the Commission does not govern HIV service procurement or contracting processes, contracting or procurement appeals are addressed by DHSP. Appeals of priority- and allocation-setting decisions are not addressed in this policy/procedure. The process to appeal a priority, allocation or directive decision made by the Commission is addressed and outlined in Policy/Procedure #09.5203 (*Priority- and Allocation-Setting Framework and Process*).
- 9) Parties Eligible to Grieve.** In the scope of this policy/procedure, a “directly affected” party may file a grievance. “Directly affected” is defined here to mean: a principal Ryan White partner; consumers and consumer groups/PLWH coalitions and caucuses; contracted providers or providers eligible to receive Ryan White funding; individual Commission

members or groups of Commission members; and/or affiliated or non-affiliated stakeholders in Los Angeles County impacted by HIV/AIDS.

10) Parties to a Grievance. Grievances are claims made by one party (“grievant”) against another party (“grieved”). All grievances must delineate both parties to proceed. This policy/procedure only covers grievances in which the grieved party is one of the three following principal Ryan White partners:

- Grantee (Department of Public Health);
- Administrative Agency (DHSP); or
- Planning Council (Commission on HIV).

11) Grievance Process. Table 1 represents the steps in the grievance process defined in this policy/procedure. **Attachment A** is a process flow map detailing the grievance process.

Table 1		GRIEVANCE PROCESS FLOW		
<u>PHASE</u>		<u>STEPS</u>		<u>STAGE</u>
Certification	}	Either <i>or</i>	Referral Certification	} Grievance Form
Adjudication	}	Step #1 Step #2 Step #3	Validate Substantiate Sustain	} Grievance Claim
Resolution	}	Step #1 Step #2 Step #3	Conflict/Dispute Management Non-Binding Mediation Binding Arbitration	} Formal Grievance

12) Certifying a Grievance. The grievance process is initiated when a potential grievant alleges a grievance (“grievance issue”) by submitting a grievance form. The Commission’s Executive Director determines if the grievance appears to fall within the Commission’s grievance authority (“grievance claim”), or if it should be referred (“referral”) to one of the other partners to address. If it appears to fall within the Commission’s authority, the Executive Director will certify it (“certification”) and forward it to the Commission’s Executive Committee. The Executive Director may follow up with the grievant for additional information, as necessary, to certify the grievance claim.

13) Addressing a Grievance. The Commission’s Executive Committee is responsible for addressing relevant service-level or system-level grievances in the following two phases:

a) Adjudication. During adjudication, the Executive Committee validates, substantiates and sustains the grievance claim. If the Executive Committee adjudicates the grievance in the grievant’s favor, it becomes a formal grievance and is elevated to the second phase.

- b) Resolution.** During resolution, the Executive Committee determines what actions, if any, must be taken to remedy the grievance issue. The Executive Committee seeks resolution in the following steps: conflict/dispute management, non-binding mediation, and binding arbitration.
- 14) Adjudicating a Grievance.** The Executive Committee “adjudicates” a grievance in the following steps:
- Validate—The grievance falls within the Commission’s authority to address it;
 - Substantiate—Facts, data and/or evidence support the grievance claim; and
 - Sustain—The grieved party is wholly or partially responsible for the grievance issue.
- 15) Resolving a Grievance.** The Executive Committee “resolves” a formal grievance when it has been validated, substantiated and sustained (adjudicated in the grievant’s favor). The goal of resolution is to develop a “resolution strategy,” which includes a plan, goals, timelines and tactics for remedying and/or rectifying the grievance issue, and/or mitigating any harm that it may have caused. In the first step of resolution, the Executive Committee must determine that the grievance is “actionable” (i.e., there are possible means of resolving it).
- 16) Conflict/Dispute Management.** If the Executive Committee determines that the grievance is actionable, it proceeds to conflict/dispute management. During conflict/dispute management, the Executive Committee attempts to find a mutually agreeable resolution strategy to both parties’ satisfaction.
- 17) Non-Binding Mediation.** Under specific circumstances, failure to resolve a grievance through conflict/dispute management elevates it to non-binding mediation. At this stage, the Commission will use County-approved mediation processes to address the unresolved grievance. A grievance may be elevated to non-binding mediation when one of the following occurs:
- The resolution strategy is unmanageable or cannot be implemented;
 - Failure of either party to fulfill their responsibilities in the resolution strategy;
 - The resolution strategy does not resolve the grievance;
 - Conflict/dispute management procedures were not followed; or
 - Unsuitable conflicts-of-interest.
- 18) Binding Arbitration.** Under specific circumstances, unsuccessful non-binding mediation will elevate a grievance to binding arbitration. The parties to the grievance will be required to share the costs of binding arbitration, and the Executive Committee may assign costs as necessary. A grievance may be elevated to binding arbitration when:
- Neither party can agree to a resolution in non-binding mediation, an “impasse” (the cost of binding arbitration is shared by both parties);
 - The Executive Committee, as a non-interested party, does not agree to the proposed resolution strategy (the cost of binding arbitration is paid by the Commission);

- One or both of the parties fail to fulfill their responsibilities as outlined in the approved resolution plan developed in non-binding mediation (one or both parties will pay for binding arbitration depending on the circumstances).
- 19) Appeals.** Grievance appeals are allowed at the final step of the adjudication process. Successful appeals following conflict/dispute management and/or non-binding mediation will elevate the grievance to the next step in resolution. Results from binding arbitration cannot be appealed.
- 20) Non-Retaliation.** Retaliation by one party of the grievance against the other is strictly prohibited during or following the grievance process. Evidence of retaliation will elevate the grievance to binding arbitration or cause the matter to be referred to the BOS, County Counsel, the Auditor-Controller and the County's Chief Executive Office (CEO).
- 21) Non-Participation.** In certain circumstances, the Executive Committee may assume the role of the grievant (e.g., an anonymous grievance claim, non-participation by the grievant in adjudication and/or resolution). Adjudication will continue regardless if the grieved party participates. Non-participation of the grieved party in resolution will be referred to the BOS, County Counsel, the Auditor-Controller and the County's Chief Executive Office (CEO).
- 22) Conflicts of Interest.** The Commission will enforce strict conflict-of-interest rules throughout the grievance process. The Commission's existing conflict-of-interest policies/procedures serve as overall guidance to mitigate conflict-of-interest in the grievance process. In particular, specific protections are imposed in the grievance process to protect against conflict-of-interest. Additionally, conflict-of-interest rules are imposed on the Executive Committee when the Commission is serving as one of the parties to the grievance.
- 23) California Ralph M. Brown Act ("Brown Act") Compliance.** The Commission complies with all Brown Act rules, as required. Since adjudication and conflict/dispute management are conducted in Executive Committee meetings, those proceedings comply with the Brown Act and are open to the public. Allowable limits may be imposed on public participation when a member of the public's participation is a conflict-of-interest. Non-binding mediation and binding arbitration are not Brown Act-covered meetings, and are therefore not open to the public.

PROCEDURE(S):

- 1. Purpose of the Grievance Process:** The grievance process is most productive when it focuses on finding positive solutions, not punitive retribution.
 - The grievance process has been implemented in order to ensure that inconsistencies between service- and system-level planning and actual implementation are identified, and in order to mitigate and/or resolve the resulting discrepancies/disparities/gaps.

- While determining causality and responsibility—whether intentional or unintentional—is a critical step for identifying the most effective solution(s), this process is not intended as a mechanism for attribution of blame or fault.

2. Grievance as a Last Resort Measure: The Commission strongly encourages stakeholders to pursue a grievance as a last resort, only after other efforts to resolve or remedy the issue have failed and/or been exhausted (“dispute prevention”).

- Once a grievance has been submitted, however, the Commission will address the grievance according to the following procedures, regardless of what other efforts have been attempted to resolve or remedy the issue beforehand.

3. Grievance Process Authorities and Purview

a. Commission Grievance Authority: As the Ryan White Part A Planning Council, the Commission is responsible for addressing service- and system-level grievances that challenge the implementation and/or adherence to the continuum of care, the comprehensive HIV plan and/or priority- and allocation-setting decisions. The following procedures describe the process the Commission uses to review, consider, evaluate and resolve those types of grievances.

b. DHSP Grievance Authority: As the Ryan White Part A Administrative Agency, DHSP is responsible for provider- and agency-level grievances involving individual practitioners’, providers’ or organizations’ service delivery. These types of grievances are **not** covered by this policy, but are addressed in DHSP’s federally-mandated grievance policy.

c. Other Types of Non-Grievance Complaints: The following types of grievances are not addressed in either agency’s grievance policies, but may be addressed in other policies/procedures of the responsible agencies:

- Appeals of procurement, solicitation, contracting and/or monitoring decisions are addressed by DHSP.
- Appeals of the Commission’s priority- and allocation-setting decisions are addressed in Policy/Procedure #09.5203 (*Priority- and Allocation-Setting Framework and Process*).
- Grievances other than those involving adherence to the comprehensive HIV plan, priorities and allocations, or the continuum of care are referred to the responsible Commission committees to address consistent with the committees’ respective policies/procedures.
- Complaints and grievances related to the Commission’s, DHSP’s and the DPH’s roles and actions as County agencies are handled according to the relevant County guidelines, policies and procedures.
- Complaints against County staff and/or appointees are addressed as personnel issues and actions, and are addressed by each agency in accordance with County, Board of Supervisors, and Department of Human Resources policies and procedures.
- Disputes with Board of Supervisor decisions are addressed by the County’s Board of Supervisors.

- 4. Grounds for Eligible Grievances:** For purposes of this policy/procedure, any of the following legitimate reasons for service- and system-level grievances are heretofore referred to as the “grievance issues.”
- a. Grounds for Service-Level Grievances:** Service-level grievances do not involve DHSP decisions involving funding for individual service providers/organizations through contracting, procurement or other processes. Service-level grievances do entail the following types of claims by stakeholders:
- Failure of services, as contracted or delivered, to adhere to standards of care; or
 - Funding or delivery of a service category inconsistent with Commission priorities, allocations and/or directives.
- b. Grounds for System-Level Grievances:** System-level grievances do not involve Commission decisions involving prioritization and/or allocations to specific service categories or appeals of other Commission decisions and/or actions that do not concern service implementation, planning or the continuum of care. System-level grievances do entail the following types of claims by stakeholders:
- Failure of one or more of the Ryan White partners to properly implement decisions made by one or more of the partners in their legislatively mandated roles;
 - Failure of one or more of the Ryan White partners to comply with legislative or policy mandate, instruction and/or guidance from federal, state or local funders, or federal or County organizations;
 - Failure to properly implement comprehensive HIV plan goals and objectives;
 - Failure to appropriately address resolution strategies recommended in the assessment of the administrative mechanism, service effectiveness evaluation and/or addressed by the planning council’s other evaluation responsibilities; or
 - Inconsistency with the continuum of care.
- 5. Commitment to Grievance Process Efficiency**
- a. Procedures for Cross-Referral:** The Commission and DHSP partner will ensure that grievances — regardless of the office to which they are submitted — are referred to the appropriate party for consideration and resolution.
- b. Types of Grievances Referred to DHSP:** The following types of grievances received by the Commission will be referred to DHSP within five business days:
- Consumer complaint regarding mistreatment by an employee or practitioner (provider-level grievance);
 - Consumer complaint about not receiving care, treatment or services in accordance with the Patients’ Bill of Rights (provider- or agency-level grievance);
 - Consumer complaint that services the consumer received did not comply with existing standards of care, service contracts or other governing rules/requirements (agency-level grievance);
 - Consumer claim of agency/organization’s failure to fulfill minimum expectations as outlined in standards of care (agency-level grievance); or

- Consumer claim of agency/organization's failure to deliver services as contracted (agency-level grievance).

c. **Stakeholder Notification:** When possible (e.g., when contact information has been provided), the Commission's Executive Director will notify the stakeholder in writing that his/her complaint has been referred to another agency and the reason for referral (**Attachment B**).

6. Parties Involved in Service- and System-Level Grievances

a. **"Grievant":** The "grievant" is the party who brings a grievance, complaint, claim and/or dispute to the Commission's attention, and upon whose claim the grievance process will proceed if the Executive Committee adjudicates the grievance in that party's favor. Any "directly affected" party is eligible to file a grievance. In the scope of this policy/procedure, "directly affected" parties are:

- A principal Ryan White partner, including the Board of Supervisors;
- Individual consumers or consumer groups/PLWH coalitions and caucuses;
- Contracted providers or providers eligible to receive Ryan White funding;
- Individual Commission members or groups of Commission members; and/or
- Affiliated or non-affiliated stakeholders impacted by HIV/AIDS in Los Angeles County.

b. **"Grieved":** The "grieved" party is the party against whom the grievance is made. Service- and system-level grievances comprise claims made against one or more of the principal Ryan White partners, as defined by Ryan White legislation and/or HRSA guidance. Disputes with decisions made by the Board of Supervisors, however, are not addressed in the context of this policy/procedure, and must be directed to the Board of Supervisors. Service- and system-level grievances are limited to claims against the following principal Ryan White partners:

- The Grantee [Department of Public Health (DPH)];
- The Administrative Agency [Division of HIV and STD Programs (DHSP) in DPH]; and/or
- The Planning Council (the Commission on HIV).

7. **Non-Retaliation Provisions:** Retaliatory actions by one party of the grievance against the other as a result of or in response to the grievance are strictly prohibited. Final adjudication or resolution documentation to both parties will include a "Statement of Non-Retaliation" (**Attachment C**) denoting each party's commitment not to engage in retaliatory measures/actions against the other, and must be signed by both parties.

a. **Retaliation:** If the Executive Committee determines, by a majority vote, that either party has engaged in retaliatory conduct against the other, the grievance is elevated to the next step in the resolution process, as appropriate, on grounds that the party has not fulfilled its responsibilities. The matter may also be referred to the BOS, County Counsel, the Auditor-Controller and the County's Chief Executive Office (CEO).

8. Grievance Process Overview

- a. Oversight:** Consistent with Article VII, Section I C 6 of the Commission's By-Laws (*Policy/Procedure #06.1000: Commission By-Laws*), the Commission's Executive Committee is responsible for management of all service- and system-level grievances on behalf of the Commission. The Executive Committee's decisions on grievance actions are final, and the Executive Committee is required to present final reports on the adjudication and resolution of all grievances to the full Commission.
- b. Process:** The Commission's Executive Committee is responsible for receiving, adjudicating and resolving grievances on behalf of the Commission. The Executive Committee adjudicates all claims of grievance by specific criteria in three steps, and then works to resolve them through an escalated step process, if and as appropriate.
- c. Adjudication:** During adjudication, the Executive Committee is charged with determining that a grievance claim is "valid," "substantiated" and "sustainable." If sustained, the grievance claim becomes a formal grievance.
- d. Resolution:** The third phase of the grievance process is "resolution." If the Executive Committee adjudicates the grievance in the grievant's favor, it will then seek resolution to determine what, if any, actions must be taken to rectify the grievance issue. The Executive Committee seeks resolution based on the following sequential, escalated steps:
 - Conflict/dispute management,
 - Non-binding mediation, and
 - Binding arbitration.

9. Multiple Grievance Claims/Parties: In rare circumstances, the Commission will allow multiple grievant parties, and/or allow a grievant to indicate multiple grieved parties. When there are multiple parties to a claim or when the Executive Committee consolidates multiple grievance claims (as described below), one party is selected by the grievants as the "lead grievant" and will be responsible for representing the grievant parties' interests during adjudication and/or resolution. Heretofore in this policy/procedure, the terms "grievant" and "grieved" will refer to an individual party to the grievance, or to a collective of grieving or grieved parties, as appropriate.

- a. Executive Committee Agreement to Multiple Parties:** At any time during adjudication, the Executive Committee is entitled to dismiss additional parties to/from the grievance, with appropriate rationale and justification.
- b. Consolidation of Multiple Grievant Claims by Multiple Parties:** The Executive Committee is entitled to "consolidate" multiple grievance claims with multiple grievants into a single grievance claim if the decision/action they are grieving is substantially the same and the grievance claims are received within the same timeframe.

- 1) **Executive Committee Approval:** The Executive Director is required to complete the grievance form on behalf of the Executive Committee, present it at an Executive Committee meeting, and the Executive Committee must approve it by majority roll call vote of the quorum present.
 - 2) **Formal Grievance:** Grievance claims approved by the Executive Committee will be advanced to the conflict/dispute management step in the resolution phase.
 - 3) **Adjudication Notification:** The Executive Director should notify the potential grieved party in advance of the Executive Committee meeting and is required to inform the grieved party of the Executive Committee's approval through adjudication notification, in accordance with Procedure #33.
 - 4) **Resolution Phase:** Conflict/dispute management begins at the next regularly scheduled Executive Committee meeting, or the subsequent meeting upon consent of both parties.
 - 5) **Grievance Party Presentations:** When the Commission is acting in the capacity as a grievant, time for both the grievant and the grieved to discuss the grievance when the Executive Committee begins conflict/dispute management is expanded to 30 minutes per party.
 - 6) **Resolution Process:** All other resolution phase procedures are followed as detailed in Procedures #39-60, governing the resolution phase process and procedures.
- b. **As the Grieved:** If a grievance claim is submitted against the Commission, the Executive Director certifies and presents it to the Executive Committee.
- 1) **Resolution Phase:** Adjudication is waived, and the resolution phase is scheduled for the next regularly scheduled Executive Committee meeting, or the subsequent meeting upon consent of both parties.
 - 2) **Adjudication Waiver:** If the grievance cannot be validated, substantiated or sustained, those attributes will be discerned when the Executive Committee considers whether it is actionable in conflict/dispute management, the first step in the resolution phase.
 - 3) **Grievance Party Presentations:** When the Commission is the grieved party, time for both the grievant and the grieved to discuss the grievance when the Executive Committee begins conflict/dispute management is expanded to 30 minutes per party.
 - 4) **Resolution Process:** All other resolution phase procedures are followed as detailed in Procedures #39-60 governing the resolution phase process and procedures.
12. **Timeframes for Filing a Grievance Claim:** In accordance with Procedure #4, service- and system-level grievances can arise for two reasons. The timeframes in which a grievant can file a grievance claim differ as follows:
- a. **Decision/Action Disputes:** To dispute a specific decision or action by the grieved party, the grievant must submit a grievance form within twenty (20) business days of the decision or action.
 - b. **Non-Compliance Claims:** Non-compliance indicates that the service category or system implementation is not consistent with the approved continuum of care, plans and/or

standards/expectations governing the service category or system. In this context, a claim may indicate that the service or system is not compatible with approved expectations for it, but without a knowledge of the specific decision(s)/action(s) that may have led to that incompatibility. To claim non-compliance, the grievant may submit a grievance form up to one (1) year of when the gap between actual implementation and approved expectations was first noted.

- 13. Grievance Process Contact:** The Executive Director, and/or his/her designated representative, will serve as the contact person for both the grievant and grieved parties for the entirety of the grievance process. In the capacity as the grievance process contact, the Executive Director will:

 - Assess the appropriateness of a claim as a service- or system-level grievance;
 - Outline the grievance process and its steps to both parties;
 - Answer any questions about the process or its status by other parties;
 - Request specific information from either or both parties needed for adjudication and/or resolution;
 - Assist both parties as they prepare their presentation of their evidence supporting or refuting the claim(s);
 - Manage both parties' participation in the grievance process;
 - Notify both parties of Executive Committee decisions at specific junctures during the grievance process;
 - Instruct both parties of their role(s)/responsibilities in each step of the grievance process;
 - Clarify that any resolution(s) are limited to future action and may not reverse decisions retroactively (*see Policy #2*);
 - Develop implementation plans and timelines with either or both parties as drafts for the resolution plan, as needed; and
 - Monitor both parties' actions in compliance with the approved resolution plan.
- 14. Filing a Grievance Claim:** To initiate a grievance, an eligible party must first submit a completed "Claim of Grievance" Form (**Attachment D**), more commonly called the "grievance form." The grievance form must be submitted to the Commission's Executive Director.
- 15. Claim of Grievance Form ("Grievance Form"):** The grievance form is the mechanism for eligible parties to file a grievance claim, and is available in hard copy from the Commission offices or electronically on the Commission's website.
- 16. Anonymous Grievance Claims:** All grievants are strongly encouraged to identify themselves when they file a grievance form, and are protected from retaliation due to the grievance by other parties (*see Procedure #7*). Declining to identify one's self as a grievant limits the Commission's ability to manage a comprehensive grievance process. However, anonymous claims are allowed and will be addressed in the following manner:

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- a. **Certification:** If a grievance is filed anonymously, the Executive Director will conduct a certification review, to the extent s/he can, as outlined in Procedure #20. If there is erroneous or missing information, and the grievance is not appropriate for referral, the Executive Director will forward the grievance claim to the Executive Committee “with reservation.”
 - b. **Adjudication:** The Executive Committee will adjudicate the grievance claim in accordance with Procedures #24-38, as if the grievant party had declined to participate.
 - c. **Resolution:** If the Executive Committee validates, substantiates and sustains (adjudicating in favor of the grievant) the grievance claim, the grievance is elevated to the resolution phase.
 - d. **Commission Assumption of Grievant Role:** When an anonymous grievance is elevated to the resolution phase, the Commission assumes the role as the grievant and acts in accordance with resolution Procedures #39-60.
17. **“Certification” Phase:** The “certification” phase determines if a grievance form is complete, and if it addresses a grievance issue within the Commission’s authority as outlined in this policy/procedure.
18. **Referral(s):** The Executive Director will refer grievance claims that do not fall within the Commission’s purview to the appropriate governing bodies, as appropriate and consistent with Procedures #3 and #5. The Executive Director has five (5) business days within receipt of the grievance form to refer it to another entity.
 - a. **Ratification:** The Executive Director may choose to seek ratification of his/her referral decision at the subsequent Executive Committee meeting. If the Executive Director has sought this ratification and the Executive Committee declines to ratify the decision, the grievance claim will proceed to adjudication.
19. **Grievance Claims Submitted in Other Forms:** If the Commission receives a grievance claim in a letter or other form of communication—rather than the grievance form—the Executive Director is entitled to refer it to another applicable party if it clearly falls outside of the Commission’s grievance purview or the scope of this policy/procedure. If the Executive Director believes that the grievance claim may fall within the Commission’s grievance purview, s/he will contact the grievant to submit the claim on a grievance form.
20. **Certifying a Grievance Form:** The Executive Director will conduct a certification review to certify that a grievance form has met the following conditions:
 - a. **Completeness:** The Executive Director will review the grievance form to ensure that it is complete and that it contains all necessary information. The Executive Director may contact the grievant for missing or apparent gaps in information.

- 26. Nature and Scope of a Grievance Claim:** The Executive Committee is empowered to alter or modify the scope or nature of the grievance, as evidence dictates, in the adjudication phase with the grievant's consent. For example, the Committee may determine that part of the claim is valid or substantiated, while other parts are either not within the Commission's purview or cannot be substantiated. **Or**, the Committee may determine that another party, instead of the identified party, is the appropriate grieved party. **Or**, the Committee may discover that failure to meet certain conditions is germane to other unmet conditions. In any of these or other, related scenarios, the Executive Committee is entitled to adjust the scope and nature of the grievance claim to assess its relevance, with the grievant's permission.
- a. Anonymous Grievant:** If the grievant is anonymous, the Executive Committee is allowed to alter or modify the nature and scope of the grievance claim as it deems appropriate and accurate.
 - b. Grievant Not Present:** If the grievant is known and not present when the Executive Committee determines a claim's relevance, the Committee is not allowed to alter or modify the nature or scope of the claim.
 - c. Grievant Non-Concurrence:** If the grievant does not concur with this recommendation, the Executive Committee will adjudicate the claim based on the unaltered facts, data and/or evidence as presented.
- 27. Validating a Grievance Claim:** The Executive Committee must first validate a grievance claim by determining if it is appropriate for the Committee to address and if it can be acted on. In this step of validation, the Executive Committee determines that the grievance claim falls within the Commission's authority to address it. A majority of the quorum present at the Executive Committee meeting must vote in roll call that the claim is valid in order to advance it to the substantiation step adjudication process. A valid claim is determined by the Executive Committee's review of the claim's assertions and verification that the claim:
- Falls within the Commission's grievance authority, as outlined in Procedure #4; **and**
 - Does not represent a complaint or dispute outside of the purview of the Commission's grievance policy, as outlined in Procedure #3; **and**
 - Involves eligible parties as grievant and grieved, as outlined in Procedure #6; **or**
 - Meets, in part, the conditions above, justifying its advancement to the next step of the adjudication process.
- 28. Substantiating a Grievance Claim:** In the second step of adjudication, the Executive Committee reviews the information presented in the grievance claim to determine if it justifies a grievance. In order to substantiate a grievance claim, a majority of the quorum present at the Executive Committee meeting must vote in roll call that the grievance claim information is sufficient to support the assertion that:
- Conditions of planning, decisions or actions by one of the principal partners have not been met by another partner; **and**
 - Failure to meet those conditions is of sufficient impact to justify a grievance.

- 29. Sustaining a Grievance Claim:** Once the Executive Committee has substantiated a grievance claim, it proceeds to the next step of adjudication—in which the Executive Committee determines if the claim is sustainable. In order to sustain a grievance, the Executive Committee must determine the causal effects and accountability for the grievance issue—*in other words*, if the grieved party is wholly or in part responsible for the grievance issue. To do so, the Executive Committee must consider:
- If the grievant was impacted or harmed by the consequences of the grieved party's decisions/actions;
 - If decisions/actions by the grieved have led to inconsistencies with approved expectations/planning;
 - If the grieved's decisions/actions contradict approved decisions/actions;
 - If failure to comply with approved expectations/planning is a result of the grieved's decisions/actions, or consequent to decisions/actions by another party;
 - If decisions/actions by the grieved are the principal reasons for non-compliance with approved expectations/planning;
 - The impact and the projected significance of the grievance issue; and/or
 - If the grieved is responsible for mitigating the impact of and/or resolving the grievance issue.
- 30. Process for Sustaining a Grievance Claim:** Once the Executive Committee has validated and substantiated a grievance claim, the Committee considers sustaining it at the next regularly scheduled meeting. Following are specific procedures for that process:
- a. Scheduling Participation of the Grievance Parties:** After the Executive Committee has substantiated a grievance claim, staff contacts both the grievant and grieved parties to schedule their participation at the next regularly scheduled Executive Committee meeting.
- The Executive Committee's consideration of sustaining a grievance claim may be postponed for one additional regularly scheduled Executive Committee meeting **only** upon agreement by both parties.
 - A special Executive Committee meeting may be scheduled to address the response only **upon** agreement by both parties **and** the Executive Committee.
- b. Participation by the Grievance Parties:** Both parties are expected, but not required, to make presentations supporting (grievant) or refuting (grieved) the grievance at the next regularly scheduled Executive Committee meeting.
- Each party is allocated up to fifteen (15) minutes at that meeting in which to make their presentation.
 - The Executive Committee is allocated up to fifteen (15) minutes after each presentation for questions and answers.
 - Each party is entitled to accompany their presentation with up to five (5) pages of supporting materials. Those materials must be made available to the Committee at least three (3) business days in advance of the meeting, or they will not be included.

- Each party is entitled to make their presentation electronically, although the printed version of the electronic presentation must comply with “accompanying materials” requirement.
 - If there are multiple grievant and/or grieved parties and the Executive Committee has not consolidated the claims, each designated grievant and/or grieved party is given the same rights and responsibilities as outlined in the foregoing procedures.
 - c. **Non-Participation by Either Party:** If either the grievant or the grieved party is unable to, or chooses not to, participate in the Executive Committee’s consideration to sustain a grievance claim, the Executive Committee will proceed without their participation.
 - d. **No Contest:** If the grieved party does not contest their role as presented in the grievance claim, the Executive Committee’s consideration of sustainability will be waived, the grievance claim becomes a formal grievance, and it is automatically elevated to the resolution phase.
 - e. **Deliberation(s):** Following both parties’ presentations and their respective question-and-answer periods, the Executive Committee deliberates if the grievance claim can be sustained.
 - There is no time limit for the Executive Committee’s deliberations or determination to sustain or not sustain a grievance claim.
- 31. Concluding Adjudication of a Grievance Claim:** The adjudication phase is concluded when the Executive Committee decides if it will “sustain” or “not sustain” the grievance claim.
- a. **Final Decision:** The Executive Committee must decide if it will sustain a grievance claim by determining if the grieved party is wholly or partly responsible for the grievance issue. The Executive Committee’s final decision will be to either “sustain” or “not sustain” the grievance claim.
 - The Executive Committee is required to sustain or not sustain a grievance claim before it can proceed to other business or the meeting can be adjourned.
 - b. **Reasons Not to Sustain a Grievance:** The Executive Committee may decide against sustaining a grievance claim for any of the following reasons:
 - It does not agree that the grieved is wholly or partly responsible for the grievance action;
 - It is unable to find a majority opinion;
 - It determines that another party (defined or not defined) is responsible for the grievance action; or
 - It finds the evidence of the grieved party’s responsibility for the grievance claim is inconclusive.
 - c. **Voting:** The Executive Committee must render its final decision by a majority roll call vote of the quorum present.
 - Given that conflict-of-interest rules (*in Procedure #10*) may require individual Executive Committee members to recuse themselves from participation and voting, “abstention” votes are not allowed for these votes. ***In other words***, a member who

does not feel he/she can vote in favor of a motion must vote against sustaining the grievance claim.

- If the Executive Committee cannot find a majority opinion, the Executive Committee must confirm through a majority vote that it will not sustain the grievance claim.

- d. **Decision to “Sustain”:** If the Executive Committee sustains the grievance claim, it proceeds to conflict/dispute management in the resolution phase.
- e. **Decision to “Not Sustain”:** If the Executive Committee does not sustain the grievance claim, the grievance process concludes at this step and the Executive Committee must report its decision at the next regularly scheduled Commission meeting, consistent with Procedure #33.

32. Public Participation: As a meeting compliant with California’s Ralph M. Brown Act (“Brown Act”), members of the public are entitled to attend and participate in any open meeting in which a grievance claim or grievance is considered.

- a. **Conflict of Interest:** In order to participate in the meeting, members of the public must state their conflicts-of-interest, consistent with Procedure #10.
- b. **Rules:** Public participation in any grievance proceeding will strictly adhere to the application of Commission rules governing public participation:
 - Comments and/or questions will not exceed one minute;
 - No member of the public will speak a second time before all members of the public have had a chance to speak once; and
 - A member of the public will only be allowed to speak a third time upon a majority vote of the Executive Committee.
- c. **Co-Chair Governance:** All comments or questions by members of the public will be addressed to the Committee Co-Chairs, and not directly to either party to the grievance, other members of the Executive Committee, or the public.
 - The Co-Chairs are also entitled to consolidate comments/questions from members of the public if they are similar in nature or scope, pursuant to the County’s application of Brown Act rules/requirements.
- d. **Exempt Meetings:** As detailed in Procedure #50e and #54f, non-binding mediation and binding arbitration meetings in the resolution phase of a grievance are not covered by the Brown Act and, as a result, are not open to the public.

33. Adjudication Notification: Both parties are notified of the final adjudication by memorandum sent by the Executive Director to each party within two (2) business days of the final Executive Committee vote. A copy of the memorandum should be forwarded to the Commission at its next regularly scheduled meeting, in tandem with the Executive Committee’s adjudication report to the Commission.

- a. **Acknowledgement:** The memorandum will include an acknowledgement form that each party must sign and return to the Executive Director. Both parties must sign and return the acknowledgement form within five (5) business days — even if one or both

parties intend to appeal the adjudication decision. The Commission will take no further action, as indicated or requested, without timely return of the acknowledgement form.

- b. Notification Content:** The memorandum details the Executive Committee’s determination of each adjudication step and if the grievance claim has been elevated to a formal grievance that advances to the resolution phase. The memorandum will include:

 - A copy of this policy/procedure;
 - A completed “Process Compliance Log” (**Attachment E**) charting the grievance process to date; and
 - A “Statement of Non-Retaliation” that must be signed by each party and returned as part of the acknowledgement form.
 - c. Failure to Return Adjudication Agreement:** In accordance with Procedure #61a, if either party refuses to return their adjudication agreement when the grievance claim has been adjudicated in the grievant’s favor—therein preventing it from proceeding to resolution—the grievance claim may then be referred to other County departments.
 - d. Adjudication Conclusion.** The grievance process is only considered concluded, as appropriate, when both parties have signed and returned their acknowledgement forms and Statements of Non-Retaliation.
- 34. Adjudication Appeals:** Either party is entitled to appeal an unfavorable adjudication decision made by the Executive Committee for any step of the adjudication process, following completion of the Committee’s adjudication of the grievance claim.
- a. Non-Eligible Appeals:** Appeals will not be considered simply because one of the parties disagrees with the Executive Committee’s final decision.
 - b. Eligible Appeals:** Either party may appeal an adjudication decision by asserting one or more of the following concerns:

 - Failure of the Executive Committee to follow its own grievance procedures/rules;
 - Undeclared conflicts-of-interest and/or failure to adhere to conflict-of-interest requirements;
 - Available data or evidence relevant to the grievance action was not considered during adjudication;
 - The decision was based on unrelated or irrelevant data and/or evidence;
 - The decision is not consistent with the content or tenor of the deliberations; and/or
 - The grievance issue was not properly summarized, contextualized or understood by the Committee.
- 35. Appealing an Adjudication Decision:** Either party has ten (10) business days following the final adjudication by the Executive Committee to file an appeal. In order to appeal an adjudication decision, the party must submit a statement (“appeal statement”) to the Executive Director indicating the party’s intention to appeal the decision. The statement must:

- Be limited to one page;
 - Indicate what decision(s) the party is appealing; and
 - Indicate the rationale for the appeal, consistent with Procedure #34.
- 36. Adjudication Appeal Validity:** In consultation with the Commission Co-Chairs, the Executive Director will determine if the appeal is valid according to procedure #34. The Executive Director will inform both parties of the appeal's validity within two (2) business days of its submission. The Executive Director and Co-Chair determination of an appeal's validity is final, unless the Executive Committee overrides it.
- a. Not Valid:** The Executive Director will present the appeal statement at the subsequent regularly scheduled Executive Committee meeting, along with a summary detailing the reasons why they have concluded it is invalid.
 - b. Valid:** If the Executive Director and Co-Chairs determine that the appeal is valid, the Executive Director will agendize the appeal at the next regularly scheduled Executive Committee meeting.
 - c. Override:** The Executive Committee may override the Co-Chairs'/Executive Director's determination of validity with a two-thirds roll call vote of the quorum present. If the Executive Committee overrides the Executive Director's determination that the appeal is invalid, the appeal will be agendized at the next regularly scheduled Executive Committee meeting.
- 37. Process for Considering an Adjudication Appeal:** Once the Executive Committee has been presented with a valid appeal, it must determine if the appeal will alter the original decision. To do so, it follows the following process:
- a. Appealing Party:** The appealing party is given up to ten (10) minutes to present the appeal and assert why the appeal should re-dress the original decision.
 - b. Other Party to the Appeal:** The other party to the grievance claim is allowed, but not required, up to ten (10) minutes to contest the appeal, on the grounds that the appeal is not valid or that it will not substantively alter the original decision.
 - c. Accompanying Materials:** Both parties are allowed to submit up to three (3) additional pages of supporting materials for presentation to the Executive Committee three (3) business days before the meeting as long as this content is not duplicative of materials presented previously.
 - d. Executive Committee Consideration:** The Executive Committee is then responsible for determining if the appeal justifies a different decision by a majority roll call vote.
 - e. Appeal Conclusion:** If the Executive Committee concludes that the appeal does not support a change in the original decision, the appeal ends with the Executive Committee decision. If the Executive Committee concludes that a change in the original decision is justified, it resumes the grievance process at the next step of adjudication, and/or begins the resolution process.

- f. **Commission Notification:** The Executive Committee must present a summary of its response to an appeal at the next regularly scheduled Commission meeting.
38. **Appeal Notification:** At the conclusion of an adjudication appeal, a revised adjudication notification detailing the outcome of the appeal is sent to each party by the Executive Director within two (2) business days. Consistent with the adjudication notification, each party must sign and return the acknowledgement form to the Executive Director within five (5) business days.
39. **Confirmation of a Formal Grievance:** Once the Executive Committee has adjudicated a grievance claim in favor of the grievant, it is confirmed as a formal grievance.
40. **“Resolution” Phase:** “Resolution” is the phase of the grievance process in which the Commission identifies and implements strategies to mitigate any harm that may have been caused and takes steps to rectify the grievance issue. Since the purpose of the grievance process is to remedy or rectify the grievance action, once the grievance claim has been supported, efforts then shift to its resolution.
41. **Limitation(s):** Consistent with Policy #2, resolution strategies cannot be applied retroactively.
42. **Resolution Strategies:** The goal of the resolution phase is to develop and implement resolution strategies that address the repercussions of the grievance as follows:
- Re-align the actual implementation of the decision/planning with approved decisions/plans;
 - Reduce disparities between actual implementation and approved decisions/plans;
 - Reverse/return implementation plans for consistency with approved decisions/plans;
 - Close gaps and/or remove disparities resulting from the grievance issue; and
 - Address and remedy any harm caused to stakeholders resulting from the grievance issue.
43. **Resolution Plan:** Once the Executive Committee determines a resolution strategy, it must create a “resolution plan” in order to ensure that the approved resolution strategy is properly implemented. A resolution plan must include the following components:
- Resolution goals and objectives;
 - A targeted completion date;
 - Steps/“tactics” to implement the resolution strategy;
 - Responsibilities of various parties for each step/tactic;
 - “Milestones” to help measure progress towards final resolution;
 - Milestone and completion timelines; *and*
 - Contingency plans, as necessary and appropriate.

- 44. Conflict/Dispute Management:** Conflict/dispute management is the first step in the resolution phase, and entails two levels of consideration: 1) is the grievance actionable, and, 2) if so, what measures are necessary to resolve it.
- a. Conflict/Dispute Management Scheduling:** Conflict/dispute management begins at the next regularly scheduled Executive Committee meeting following confirmation of the formal grievance.
- Conflict/dispute management can be postponed one Executive Committee meeting upon consent of the Executive Committee, the grievant party **and** the grieved party.
- 45. Participation:** Both the grievant and grieved parties are required to participate in conflict/dispute management.
- a. Refusal to Participate:** If either or both parties refuse to participate, conflict/dispute management will proceed as outlined without the parties' participation.
- In the case of non-participation during any step in the resolution phase, non-participating parties are not entitled to advance the grievance to the next step in resolution, if it is deemed necessary.
 - In the case of non-participation, the Executive Committee is not required to seek the consent of the non-participating party(ies) to advance a grievance to the next step in resolution, if it is deemed necessary.
- 46. Determining if a Grievance is Actionable:** The first step in the Executive Committee's resolution of a grievance entails determining if the grievance is "actionable." This step assesses whether there are means to resolve the grievance.
- a. Committee Deliberations:** There are no formal time requirements associated with the Executive Committee's consideration if a grievance is actionable. It may be a brief or prolonged discussion. The Committee is expected to discuss potential strategies for resolving the grievance during this step in conflict/dispute management.
- b. Determination that a Grievance is Not Actionable:** Unless the Executive Committee determines that the grievance is not actionable, these deliberations are precursor to the development of actual resolution strategies.
- c. Burden of Proof:** Since it is in the best interests of all parties that all applicable grievances are resolved, if possible, the burden of proof is only necessary when the Executive Committee determines that a grievance is not actionable.
- d. Conclusion that a Grievance Is Not Actionable:** If the Executive Committee determines that a grievance is not actionable, it must notify the Commission at its next regularly scheduled meeting of that decision. As explanation of that decision, the Committee must provide a full accounting to the Commission that it could not identify any means for resolving the grievance that would:
- Mitigate any (further) harm caused by the grievance action; **and**
 - Reduce disparities addressed in the grievance action; **and**

- Align actual implementation with approved plans; ***and***
- Modify existing allocations or contracting to address the concern; ***and***
- Revise or modify approved planning decisions/documents to address the concern.

47. Development of a Resolution Strategy: Following its determination that there are one or more means to resolve the grievance (“actionable”), the Executive Committee selects the best possible resolution strategy and develops a resolution plan:

- a. Consideration of Possible Resolution Strategies:** In order to determine the most suitable strategy to resolve the grievance, the Executive Committee should discuss multiple strategies for doing so, enumerating them, and considering each one independently.
- b. Consent of Both Parties:** It is preferable that the Executive Committee resolve the grievance in a manner that satisfies both parties to the grievance, although agreement by both parties is not required. The strategy or strategies that satisfy both the grievant and grieved parties should take precedence in the Executive Committee’s consideration.
- c. Failure to Consent:** If the parties to the grievance cannot find a mutually agreeable resolution strategy after only one is identified or several are discussed, they cannot agree on the only apparent resolution strategy that is suitable, and/or they cannot agree to the details of a resolution plan, the Executive Committee is entitled to impose a resolution strategy and/or plan on both parties in order to conclude the grievance.
- d. Committee Decision:** The Executive Committee settles on a final resolution strategy once a majority of the quorum present at the meeting vote in favor of it in roll call. The final resolution strategy must include a resolution plan. The strategy and the plan may be approved by the Committee in tandem or separately.
- e. Conflict/Dispute Management Timeframe:** The Executive Committee must determine the resolution strategy and plan by the next regularly scheduled Executive Committee meeting following the conflict/dispute management meeting. It can do so in a number of ways:
 - Approve a resolution strategy and plan at the initial conflict/dispute management meeting in which it is presented;
 - Delay approval of a resolution strategy and plan until a later meeting—no later than the following regularly scheduled meeting;
 - Address the resolution strategy and/or plan in two (2) or more sequential meetings; and/or
 - Schedule special meetings, as needed, to address and resolve the grievance within the required time constraints—with consent by the Executive Committee and both parties to the grievance.
- f. Failure to Develop a Resolution Strategy:** If the Executive Committee is unable to determine a resolution strategy and/or plan, the grievance is automatically elevated to the next step in the resolution process, non-binding mediation.

- g. Commission Notification:** The Executive Committee is required to present an approved resolution strategy and plan to the Commission at its next regularly scheduled meeting. It is also required to report if the Committee has been unable to find adequate resolution, and the grievance must advance to non-binding mediation.

- 48. Resolution Appeals:** A grievance that has not been satisfactorily resolved through conflict/dispute management or non-binding mediation may be appealed by either party to the grievance.

 - a. Resolution Appeals Process:** Where not addressed in this procedure, a resolution appeal follows the same process and procedures as outlined for an adjudication appeal, in Procedures #34-38.
 - b. Elevation to the Next Step in the Resolution Process:** Successful resolution appeals elevate the grievance to the next step in the resolution process (from conflict/dispute management to non-binding mediation; non-binding mediation to binding arbitration).
 - c. Timing of a Resolution Appeal:** The following timelines are relevant depending on the type of resolution appeal:

 - The Executive Committee's failure to bring a grievance to resolution will automatically elevate it to the next step in the resolution process, without an appeal.
 - A grievance party has up to six (6) months to appeal a resolution on grounds that it cannot be implemented or that one or both parties are not fulfilling their obligations to resolve the grievance according to the resolution plan.
 - A grievance party has up to twenty (20) business days to appeal a resolution for any other reason.
 - d. Non-Allowable Resolution Appeals:** Resolution appeals are not allowed because one or both parties simply do not agree with the outcomes or conclusions.

- 49. Non-Binding Mediation:** Non-binding mediation is the next step in the resolution process, and entails the creation and agreement to a resolution strategy/plan under the guidance of a third-party mediator.

- 50. Grounds for Elevating a Grievance to Non-Binding Mediation:**

 - a. Failure to Determine Resolution:** A grievance will be elevated to non-binding mediation if the Executive Committee has determined that a grievance is actionable but is unable to determine a satisfactory resolution strategy/plan through conflict/dispute management.
 - b. Successful Resolution Appeals:** A grievance may also be elevated to non-binding mediation if the Executive Committee concurs by a roll call majority vote of the quorum present with a resolution appeal contesting the conflict/dispute management resolution based on one or more of the following reasons:

 - Evidence that the approved resolution strategy is unmanageable and/or cannot be feasibly or realistically implemented;

- Either party fails to take agreed-upon action or fulfill its respective responsibilities to ensure the grievance is appropriately resolved in accordance with the resolution plan;
- Evidence that conflict/dispute management did not suitably resolve the grievance;
- Evidence that the Executive Committee did not adhere to the Commission-approved grievance procedures during conflict/dispute management; and/or
- Newly identified or unrevealed conflicts-of-interest cast doubt on the suitability of the resolution.

51. Non-Binding Mediation Process: At this stage, the Commission will use County-approved mediation processes to address the unresolved grievance.

- a. **Selecting the Mediator:** In most cases, the County-approved mediation process will select the mediator. If a choice of mediators is offered, the mediator to which both grievance parties agree is selected. If agreement cannot be reached, the Executive Committee will select the mediator by a majority roll call vote.
 - The selected mediator must provide a statement indicating absence of conflicts-of-interest prior to beginning non-binding mediation.
- b. **Mediation Processes:** There are many forms of mediation. The mediator will select one or more of the best and/or most relevant forms of mediation based on his/her review of the grievance prior to the start of the non-binding mediation process in order to bring the grievance to resolution. Among the forms of mediation that the mediator can select are:
 - Assembling all parties (the grievance parties and the Commission Executive Director and Co-Chairs) to resolve the grievance;
 - Resolving the grievance with the Executive Committee;
 - Discussing the grievance with the parties separately and suggesting a resolution strategy/plan; and/or
 - Identifying and interviewing outside resources to help resolve the grievance.
- c. **Timing of the Mediation Processes:** County-approved mediation processes dictate the timeframe for resolving the grievance through non-binding mediation. However, following are the preferable timelines:
 - 1) Securing County Mediation Program Assistance: Within fourteen (14) business days following Executive Committee agreement to proceed to non-binding mediation.
 - 2) Selecting the Mediator: Within fourteen (14) business days following agreement by the County mediation program.
 - 3) Meeting with Relevant Grievance and/or Other Parties: Within fourteen (14) business days of mediator selection.
 - 4) Development of a Resolution Strategy/Plan: Within twenty-eight (28) business days of the initial meeting of grievance and/or other parties.
- d. **Mediation Process Location(s):** All meetings with the Executive Committee will be held at the Commission offices. Independent mediation meetings with the grievance parties and/or other stakeholders will take place at mutually agreed upon locations. If a loca-

tion cannot be agreed to by the grievance parties and/or other stakeholders, the Commission offices will be used.

- e. **Public Participation:** Non-binding mediation meetings with the grievance parties and/or other stakeholders are not covered by the Brown Act, and, as such, are not open to the public. Under provisions of the Brown Act, any meetings with the Executive Committee prior to the presentation of the final resolution strategy/plan will be convened as closed Executive Sessions of the Executive Committee, and are, therefore, not open to the public.
 - f. **Conclusion of the Non-Binding Mediation Processes:** As with conflict/dispute management, non-binding mediation is concluded when the mediator presents a resolution strategy and plan to the Executive Committee for approval at a regularly scheduled meeting.
 - Both parties to the grievance must agree to the proposed strategy/plan in writing.
 - A majority of the quorum present at the Executive Committee meeting must approve the resolution strategy and accompanying plan by a majority roll call vote.
 - Failure to find a resolution strategy and plan agreeable to both parties (“impasse”) and/or the Executive Committee to approve a final strategy/plan will automatically elevate the grievance to binding arbitration.
 - g. **Commission Notification:** The Executive Committee is required to report and summarize the results of non-binding mediation (including the final plan, as appropriate) to the Commission at its next regularly scheduled meeting.
- 52. Binding Arbitration.** Binding arbitration is the last step in the resolution and grievance processes, and is only engaged when all other efforts to find resolution to a grievance have been exhausted.
- a. **Binding Agreements:** All parties to the grievance are required to abide by the outcome of binding arbitration. Failure to comply with binding arbitration as required by this policy/procedure or to adhere to the decisions/outcomes will be referred to the BOS, County Counsel, the Auditor-Controller and the County’s Chief Executive Office (CEO).
- 53. Grounds for Elevating a Grievance to Binding Arbitration:** The resolution of a grievance will be elevated to binding arbitration in one of the following circumstances:
- When the Executive Committee does not approve a final resolution strategy/plan from non-binding mediation;
 - When the grievance parties cannot agree to a resolution strategy/plan through non-binding mediation; or
 - If the Executive Committee concurs by a roll call majority vote with a resolution appeal contesting the non-binding mediation resolution.
- 54. Arbitration Processes:** Binding arbitration proceeds as follows:
- a. **County Counsel:** If a grievance advances to binding arbitration, the Commission relies on County Counsel to recommend appropriate arbitration services.

- 57. Binding Agreements:** All parties to the grievance are required to abide by the outcome of binding arbitration.
- a. Executive Committee Role:** Given the nature of binding arbitration, the Executive Committee is not required to approve the final resolution strategy or plan.
 - b. Failure to Comply:** Failure to adhere to the agreements of binding arbitration will be referred to the BOS, County Counsel, the Auditor-Controller and the County's Chief Executive Office, and/or other County departments as necessary.
- 58. Binding Arbitration Appeals:** Binding arbitration agreements cannot be appealed.
- 59. Resolution Agreement:** Final resolution is indicated by a memorandum sent to each party by the Executive Director within two (2) business days after the appropriate appeal windows have closed. A copy of the memorandum should be forwarded to the Commission at its next regularly scheduled meeting, in tandem with the Executive Committee's report of the resolution to the Commission.
- a. Agreement:** The memorandum will include an agreement form that each party must sign and return to the Executive Director within five (5) business days. The agreement details the terms and conditions agreed to by both parties and the arbitration findings, and represents both parties' commitment to fulfill obligations of those terms and conditions by the specified dates.
 - b. Agreement Content:** The memorandum details the Executive Committee's or the arbitrator's final resolution strategy and plan. The memorandum will include:
 - A copy of this policy/procedure;
 - A completed "Process Compliance Log";
 - A final resolution plan; and
 - A "Statement of Non-Retaliation" that must be signed by each party and returned with the acknowledgement form.
 - c. Conclusion of the Resolution Phase.** The resolution phase is only considered concluded when both parties have signed and returned their acknowledgement forms and Statements of Non-Retaliation.
- 60. Cost (s):** The Commission is responsible for bearing the burden of all grievance process costs through non-binding mediation. Following are the costs for which other parties to a grievance may be responsible:
- a. Costs of Resolution Appeals:** A grievance party is required to include a \$100 deposit along with a submission of an adjudication or resolution appeal.
 - The deposit will be returned if the Executive Committee supports the appeal.
 - The Executive Director may waive the deposit on the grounds that there is clear and compelling evidence to justify the appeal and/or due to financial hardship for the appealing party.

- b. Costs of Binding Arbitration:** Since the costs of binding arbitration represent additional, unanticipated costs to the Commission and the Ryan White-funded system of care, the grievance parties are expected to share the cost of binding arbitration according to the following rules:
 - 1) Failure to Approve a Resolution Plan:** The Commission is responsible for the costs of binding arbitration if the Executive Committee fails to approve a final resolution strategy/plan developed in non-binding mediation.
 - 2) Grievance Party Impasse:** Both parties are responsible for sharing the costs of binding arbitration equally if they reach an impasse and cannot agree to a final resolution strategy/plan in non-binding mediation. By a two-thirds vote of the quorum present, the Executive Committee may shift the full cost burden to a single grievance party if the Committee determines that one of the parties refuses to agree to resolution as an obstructive measure.
 - 3) Failure to Fulfill Responsibilities:** If the Executive Committee has determined that binding arbitration is necessary to address the failure of one of the parties to fulfill its responsibilities as agreed in the non-binding mediation resolution plan, then that party is responsible for the costs of binding arbitration. If both parties fail to fulfill their responsibilities, then both parties will share the cost of binding arbitration equally.

61. Repeated Grievance Claims: Once the grievance claim has been adjudicated and resolved, neither of the grievance parties or another party is allowed to grieve the same issue again.

- a. Definitions:** The “same issue” is defined as the same action in the same time period acted on by the same parties.
- b. Retaliation:** A grievance by the grievant against the grievant related to the same issue, or the grievance, is considered “retaliation” and not allowed. Likewise, a subsequent grievance by the original grievant against the original grievant during or shortly after the first grievance—even if addressing a different issue—may also be considered “retaliation” and, therefore, is not allowed.
- c. Executive Director Role:** If certification is warranted, the Executive Director is required to refer any subsequent grievance claim involving the same parties within the same twelve (12)-month period to the Executive Committee as “certified with reservations.”
- d. Executive Committee Role:** It is the Executive Committee’s responsibility to determine if a subsequent or multiple grievances involving the same parties are retaliatory in nature—determined by a majority roll call vote of the quorum present.

62. Referral to Other County Departments: While a grievance claim can be adjudicated without participation by both parties, the resolution phase cannot proceed without their full participation. If the grievant refuses to fully participate in the resolution phase, the Executive Committee will assume that role. However, if the grievant party refuses to fully participate in the resolution phase, as detailed in this policy/procedure, the grievance will be formally referred to the BOS, County Counsel, the Auditor-Controller and/or the

County's Chief Executive Office ("referral"). In addition, the following actions would also result in a referral:

- a. **Failure to Return Adjudication Agreement:** If either party refuses to return their adjudication agreements when the grievance claim has been adjudicated in favor of the grievant, it cannot proceed to the resolution phase.
- b. **Withdrawing Participation from the Resolution Phase:** Even if the grieved party has participated in the first—or the first and second—steps of the resolution phase, failure to participate in all steps and/or appeals as required means that the grievance has not been effectively resolved.
- c. **Failure to Fulfill Resolution Plan Responsibilities:** The grieved party's failure to fulfill its responsibilities in the resolution plan developed in conflict/dispute management or non-binding mediation (including evidence of retaliation, see Procedure #7) will elevate the grievance to the next step. However, failure to do so after binding arbitration (including evidence of retaliation) requires referral.
- d. **Failure to Assume Appropriate Costs:** As outlined in Procedure #59, binding arbitration requires a share of costs assessed according to circumstances. Either party's refusal to accept its share of binding arbitration costs, as required, will result in referral.

63. Reporting and Documenting Process/Results:

- a. **"Process Compliance Log":** The Executive Director keeps a log of all pertinent information, dates, actions and decisions in a "Process Compliance Log" to ensure the Commission's compliance with the required grievance process timeline and other requirements. The Process Compliance Log can be made available to either grievance party at any time during the process, and is included with the final adjudication/resolution notifications.
- b. **Resolution Plan Monitoring:** The Executive Director is also responsible for monitoring progress and activities of the final resolution plan. The monitoring tool will be developed once the final resolution plan has been detailed. The Executive Director will present updates at regularly scheduled Executive Committee meetings according to the schedule and milestones detailed in the resolution plan.

64. Final Resolution: Final resolution and the grievance is formally closed when both parties have fulfilled their responsibilities and met their obligations consistent with the resolution strategy/plan. Formal notification that the grievance has been resolved and closed will be sent to both parties, and the Commission will be notified at its next regularly scheduled meeting.

65. Promoting the Availability of the Grievance Process: Given the length of the grievance policies and procedures, wide dissemination of the actual policy/procedure is not practical. The Commission will notify stakeholders of the grievance policy through alternate means:

- a. **Website:** The Commission will post the entire policy/procedure, along with electronic versions of the attachments on the Commission's website.

- b. Summary Description:** The Commission will develop an abbreviated summary version of the grievance process for dissemination to providers, consumers and other stakeholders.
- c. Website Address:** The Commission will include the grievance policy/procedure website address on all documents to which the grievance process is relevant (e.g., Patients' Bill of Rights).

DEFINITIONS:

- **Actionable:** In the context of this policy/procedure, the first step of the resolution phase in which it is determined if the grievance can be feasibly resolved.
- **Adjudication:** In the context of this policy/procedure, the phase of the grievance process that determines if the grievance claim is valid (if it is a grievance that the Commission is empowered to address), substantiated (if the data, facts and/or evidence supporting the grievance claim are accurate) and sustainable (the responsibility for the grievance issue can be wholly or partially assigned to the grieved party).
- **Administrative Agency:** One of the four principal Ryan White Part A partners, the administrative agency is responsible for the procurement, solicitation and monitoring of local Ryan White-funded services. In Los Angeles County, the administrative agency is the Division of HIV and STD Programs (DHSP) in the County's Department of Public Health (DPH).
- **Administrative Mechanism:** The local collaboration of the four principal Ryan White partners that manages the Ryan White-funded system of care. Contracted HIV service organizations may also play a role in the administrative mechanism depending on the circumstances.
- **Agency:** The organization providing services.
- **Arbitration:** A process through which a neutral third party resolves a dispute or conflict between two or more parties.
- **Arbitrator:** The neutral third party who conducts arbitration.
- **Auditor/Controller:** The County agency responsible for auditing and monitoring administrative, fiscal and legal compliance with County contracts, rules, requirements and standards.
- **Binding:** In the context of this policy/procedure, when the two parties to the grievance are "bound" by the results of arbitration. In other words, neither party can dispute the final decision of the arbitrator.

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- **Binding Arbitration:** In the context of this policy/procedure, the step in the resolution phase of the grievance process in which a neutral third party imposes a resolution strategy on the parties to a grievance.
- **Board of Supervisors (BOS):** The BOS is Los Angeles County's five-member, elected final authority on all matters for which the County is responsible. The BOS is also the Chief Elected Official (CEO) for the local Ryan White Program.
- **CEO:** Depending on the context in this policy/procedure, "CEO" refers to one of two different entities with different roles and functions: the Chief Elective Official (the Board of Supervisors) in a Ryan White-funded system of care or the Chief Executive Office.
- **Chief Elected Official (CEO):** One of four principal Ryan White Part A partners, the CEO is responsible for designating a grantee, appointing members to the planning council and overall grant administration. In Los Angeles County, the CEO is the County Board of Supervisors (BOS).
- **Chief Executive Office (CEO):** The department in Los Angeles County responsible for managing County operations and work activities through the County's other departments.
- **Claim:** An assertion by one party that it has a grievance against another party. In the context of this policy/procedure, it refers to a certified grievance submission that has not yet been fully adjudicated.
- **Client:** In the local Ryan White-funded system of care, consumers of non-medical or support services.
- **Coalition:** In the context of this policy/procedure, a formal or informal grouping or organization of stakeholders.
- **Commission on HIV (Commission):** The Commission advises the BOS on all HIV matters at the County and is the planning council in the local Ryan White Program.
- **Complaint:** In the context of this policy/procedure, a claim alleging that a party has not complied with governing plans, rules or procedures.
- **Comprehensive HIV Plan:** Ryan White legislation and HRSA guidance require the planning council to develop a comprehensive HIV Plan that serves as a blueprint for local HIV plans, service delivery and goals.
- **Conflict/Dispute Management:** In the context of this policy/procedure, the step in the resolution phase of the grievance process in which the Commission facilitates the development of a resolution strategy mutually agreeable by both parties to a grievance.

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- **Consolidation:** In the context of this policy/procedure, when the Executive Committee merges multiple grievance claims by a single or multiple grievant party(ies) into a single grievance claim due to substantially linked or similar grievance issue(s).
- **Consumer:** People who use Ryan White-funded or County-contracted HIV services.
- **County Counsel:** Los Angeles County's chief legal office, providing legal guidance to the BOS, representing the County in legal proceedings, and ensuring compliance with the County's legal codes and requirements.
- **Department of Public Health (DHP):** DPH is Los Angeles County's principal public health entity, managing the County response to identified public health needs in the County. DHP also serves as the grantee in the local Ryan White Program.
- **Directive:** An expectation, recommendation or guidance on how to best meet the need or other factors to be considered developed by the Commission to accompany comprehensive planning and/or priorities and allocations.
- **Dispute:** In the context of this policy/procedure, a claim of disagreement between two parties that the parties have not been able to resolve through other means.
- **Dispute Prevention:** In the context of this policy/procedure, efforts taken in advance to prevent disputes and/or conflicts that must be resolved through the grievance process.
- **Division of HIV and STD Programs (DHSP):** As a division of DHP, DHSP manages Los Angeles County's HIV and STD programs, and is the administrative agency in the local Ryan White Program.
- **Executive Committee:** The Commission's standing committee that coordinates work between the Commission's committees and task forces and that is empowered to act on the Commission's behalf. In the context of this policy/ procedure, the Executive Committee oversees the grievance process.
- **Executive Director:** The lead staff person for the Commission who manages the Commission staff, operations and support functions. In the context of this policy/procedure, the Executive Director serves as the primary grievance contact for all parties.
- **Grantee:** One of the four principal Ryan White Part A partners, the grantee is responsible for receiving the annual Ryan White award and ensuring that it is managed consistent with Ryan White legislation and HRSA guidance — either directly or through an administrative agency. In Los Angeles County, the grantee is the County's Department of Public Health (DPH).

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- **Grievance:** In the context of this policy/procedure, an adjudicated claim for which it has been determined that a grieved party is wholly or partly responsible.
- **Grievance Issue:** In the context of this policy/procedure, the matter alleged in a grievance claim or to be resolved in the grievance.
- **Grievance Line:** A telephone line operated and designed specifically for stakeholders to submit their provider- or agency-level grievances directly to DHSP.
- **Grievant:** In the context of this policy/procedure, the party that claims a grievance against another party.
- **Grieved:** In the context of this policy/procedure, the party against which a grievance has been alleged.
- **Health Resources and Services Administration (HRSA):** The federal agency at the U.S. Department of Health and Human Services (DHHS) that manages the Ryan White Program nationally.
- **Impasse:** In the context of this policy/procedure, when two parties involved in a dispute cannot find agreement or resolution to the dispute/grievance.
- **Mediation:** A process through which a neutral third party facilitates the resolution of a dispute or conflict between two parties by reaching the best compromise or agreement in an attempt to satisfy both parties.
- **Mediator:** The neutral third party who manages mediation.
- **Milestone:** In the context of this policy/procedure, a specific point in the resolution plan against which progress towards full implementation of the plan is measured.
- **Nature:** In the context of this policy/procedure, the type and content of a grievance claim.
- **Neutral(ity):** In the context of this policy/procedure, the condition of absence of bias or pre-disposition towards or against either party to a grievance.
- **Non-Binding:** In the context of this policy/procedure, when agreements cannot be enforced without the full adherence and participation of all parties to the grievance.
- **Non-Binding Mediation:** In the context of this policy/procedure, the step in the resolution phase of the grievance process in which a neutral third party facilitates the development of a mutually agreeable resolution strategy by the parties to a grievance.

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- **Party(ies):** In the context of this policy/procedure, the Commission, grievant and grieved in a grievance action.
- **Patient:** In the local Ryan White-funded system of care, consumers of medical or medically-related services.
- **Patients' Bill of Rights:** Commission Policy/Procedure #05.2001, outlining consumer rights and responsibilities in Los Angeles County's Ryan White-funded system of care.
- **Planning Council:** One of the four principal Ryan White Part A partners, the planning council is responsible for developing a comprehensive HIV plan, determining priorities and allocations, evaluating service effectiveness and other activities. In Los Angeles County, the planning council is the Commission on HIV.
- **People Living With HIV (PLWH):** People with HIV/AIDS, but who are not necessarily consumers of Ryan White-funded services.
- **Principal Ryan White Partners:** The four partners involved in the administration of the local Ryan White Part A grant: the Chief Elected Official, the Grantee, the Administrative Agency and the Planning Council.
- **Priority- and Allocation-Setting:** The process through which the planning council determines how effectively services respond to the needs of patients/consumers, and the amount of funding that will be spent on each service category.
- **Provider:** Can refer to an individual clinician or practitioner, or an agency providing services. In the context of this policy/procedure, generally refers to the individual practitioner.
- **Ralph M. Brown Act ("Brown Act"):** California's Ralph M. Brown Act ensures open, public meetings; transparency in public decision-making; recorded minutes and records from meetings; and opportunities for the public to participate in public debate. The Brown Act applies to all bodies of publicly elected or appointed officials.
- **Recusal:** Completely refraining from participation in Commission discussion and voting on an issue where the Commission member has a conflict-of-interest in the issue.
- **Resolution:** In the context of this policy/procedure, the phase of the grievance process that seeks to find a solution to the grievance, and includes the steps of conflict/dispute management, non-binding mediation and binding arbitration.
- **Scope:** In the context of this policy/procedure, the specific details, data, evidence, and/or facts encompassed by a grievance claim.

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- **Stakeholder:** In the context of this policy/procedure, anyone who participates in or is impacted by the decisions, policies, actions and/or services in the Ryan White-funded system of care.
- **Substantiated:** In the context of this policy/procedure, the step in the adjudication phase of the grievance process in which the Commission determines if the grievance claim is accurate and based on the facts, data and evidence provided.
- **Sustained:** In the context of this policy/procedure, the step in the adjudication phase of the grievance process in which the Commission determines if the grieved party is wholly or partially responsible for the grievance issue.
- **Tactic:** In the context of this policy/procedure, the specific step(s) outlined in the resolution plan that parties to a grievance take to resolve and/or mitigate the impact from the cause of the grievance.
- **Valid:** In the context of this policy/procedure, the step in the adjudication phase of the grievance process in which the Commission determines if the grievance claim falls within the Commission’s authority to address.

ATTACHMENTS:

- **Attachment A:** Grievance Process Flow Map
- **Attachment B:** Complaint Referral Letter
- **Attachment C:** Statement of Non-Retaliation
- **Attachment D:** Claim of Grievance Form (“Grievance Form”)
- **Attachment E:** Compliance Log

**NOTED AND
APPROVED:**

Original Approval: 5/1/1997 (BOS)



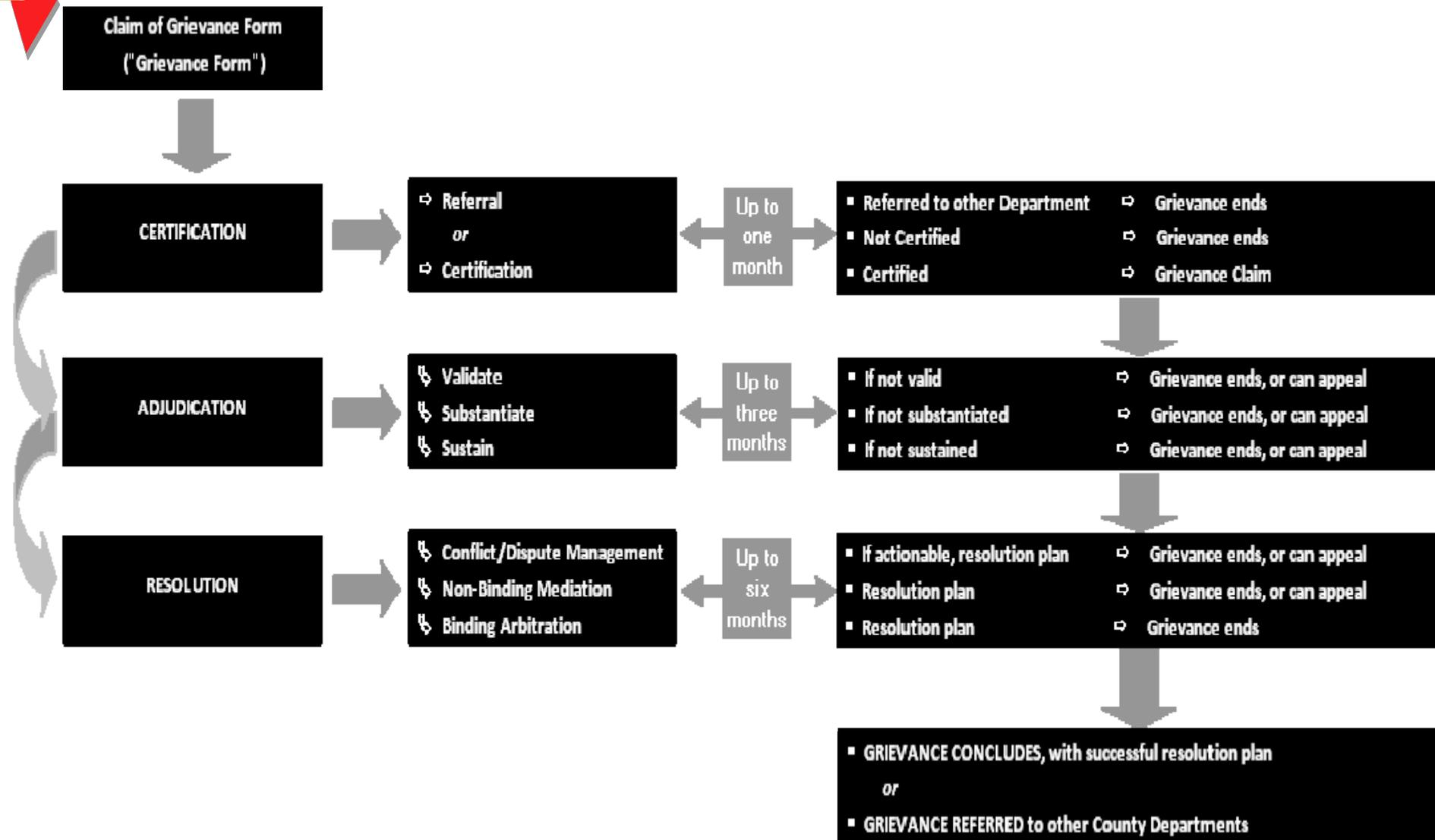
**EFFECTIVE
DATE:**

March 15, 2012

Revision(s): 3/15/2012

LOS ANGELES COUNTY COMMISSION ON HIV

3530 Wilshire Boulevard, Suite 1140 • Los Angeles, CA 90010 • TEL (213) 738-2816 • FAX (213) 637-4748
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[Date]

[Name/Title]

[Agency/Organization/Group]

[Street Address]

[City/State/ZIP]

Dear [Salutation]:

On [date], the Commission received the enclosed (Attachment A) Claim of Grievance Form (“Grievance Form”). In accordance with Commission on HIV Policy/Procedure #05.8001 (*Commission on HIV Continuum of Care Grievance Process*), I have reviewed the claim and have determined that it does not fall within the Commission’s grievance authority.

Based on the description in the Statement of Grievance, we have concluded that it entails [description], and have, as a result, forwarded it to your agency to address. I trust that [name of agency] will engage the complainant to address the issue, as appropriate, according to the applicable policies and procedures.

Consistent with Commission Policy/Procedure #05.8001, a grievance form must be certified to become a formal grievance claim. Since this grievance form has not been certified and has been referred to you, this grievance has been concluded. Also enclosed (Attachment B) is a copy of the letter notifying the grievant of these conclusions.

Thank you, in advance, for your time and consideration of this matter. Please feel free to contact me if you have any questions or need further information.

Cordially,

[Name]

Executive Director

Attachments (2)

c: [Grievant]

Executive Committee

File

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[Date]

[Name/Title]

[Agency/Organization/Group]

[Street Address]

[City/State/ZIP]

Dear [Salutation]:

We are receipt of your Claim of Grievance Form (“Grievance Form”), dated [receipt date]. In accordance with Commission on HIV Policy/Procedure #05.8001 (*Commission on HIV Continuum of Care Grievance Process*), I have reviewed the claim and have concluded that it [**is not complete and/or does not fall within the Commission’s grievance authority**]. As a result, I have declined to certify the form [**optional: and have referred it (Attachment A) to [organization], who normally exercises authority over a grievance of this type**].

As Los Angeles County’s Ryan White Part A HIV Health Services Planning Council, the Commission’s grievance procedures are regulated by the Ryan White Treatment Extension Act of 2009 [Title 42 > Chapter 6A > Subchapter XXIV > Part A > subpart i > § 3000ff-12 > (b) (6)] and subsequent guidance from the Health Resources and Services Administration (HRSA) [Ryan White HIV/AIDS Program Part A Manual (2009), VI. Planning Council Operations, 5. Grievance Procedures, B. HAB/DSS Expectations]. Subject to HRSA’s Part A project officer’s consent, the Commission’s grievance procedures were approved by the Commission on HIV on March 15, 2012.

Policies 5-6/Procedures 3-4 in Policy/Procedure #05.8001 detail those types of grievances that fall within Commission Grievance authority and those that are beyond the scope of the policy. In your Statement of Grievance, you [**describe the reasons for not certifying the form**].

Consistent with Policy/Procedure #05.8001, a grievance form must be certified to become a formal grievance claim and advance to the adjudication stage of the Commission’s grievance process. Since this grievance form has not been certified, this complaint will not advance further in the Commission’s grievance process. This letter serves as notification that this grievance has been concluded. I have attached a copy of the Policy/Procedure #05.8001 (Attachment []) and the completed Compliance Log (Attachment []) for your reference.

[Name/Organization]

[Date]

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On behalf of the Commission, we appreciate your investment in improving HIV service delivery in Los Angeles County, which the grievance process is designed to address. Please feel free to contact me if you have any questions or need further information.

Cordially,

[Name]

Executive Director

Attachments [()]

c: [Optional: Agency to which Grievance Form has been referred]

Executive Committee

File



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STATEMENT OF NON-RETALIATION

By signing this “Statement of Non-Retaliation (Statement)” I, **[Name]**, the undersigned **[grievant/grieved party]** to Grievance #**[number]**, agree to a commitment of non-retaliation concerning said grievance.

Policy 20 and Procedure 7 in the Commission on HIV’s Policy/Procedure #05.8001 (*Commission on HIV Continuum of Care Grievance Process*) define “retaliation” as “retaliatory actions by one party of the grievance against the other” and strictly prohibits those actions during or following the grievance process. Retaliatory actions may include, but are not limited to, decisions or actions that may uniquely harm or adversely impact the other party to the grievance, related or linked to the grievance action by content, timing and/or effect.

My signature below indicates that I have thoroughly reviewed Commission Policy/Procedure #05.8001, and understand my responsibilities as the **[grievant/grieved party]** in the grievance process. I understand that failure to sign this Statement within the required time frame (*within five business days of its receipt*) will slow, delay and/or halt the grievance process from advancing, and will impede the Commission’s and the grievance parties’ ability to resolve the grievance. I also understand that failing to sign this Statement gives cause for the Commission to refer this matter to Los Angeles County’s Board of Supervisors (BOS), Chief Executive Office (CEO), County Counsel (CC), Auditor-Controller (A-C), and other, relevant County Departments, as appropriate.

I further understand that any evidence of retaliation by one party against the other, as determined by the Commission’s Executive Committee, will advance the grievance to the next step in its resolution and give cause for the Commission to refer the matter to the above-mentioned County departments. If and when the Executive Committee has determined that one grievance party has committed a retaliatory action against the other, the retaliating party will bear all of the costs and burdens associated with consequent results in the grievance process and/or referral to other County departments.

_____	_____
<i>[Grievant/Grieved Party]</i>	<i>Organization, if applicable</i>
_____	_____
<i>Signature</i>	<i>Date</i>

For Office Use Only:	_____
	<i>Date Received</i>



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CLAIM OF GRIEVANCE FORM "Grievance Form"

Date Form Submitted: _____

<p><i>For Office Use Only:</i> Grievance # Date Received</p>
--

Name of Grievant Party: _____
(party alleging a grievance)

Other Grievant(s), if any: _____

Contact Name¹: _____

Email: _____

Phone #: () _____ Work Home Mobile

Group/Organization: _____

Street Address: _____

City, State, ZIP: _____

Are you submitting this claim: As an individual, *or* on behalf of a group/organization?
If on behalf of a group/organization, please identify here: _____

Have you read and familiarized yourself with Policy/Procedure #05.8001 (Grievance Process)?
 Yes No *If you have not read it, it is suggested that you do so before submitting a grievance form*

Does this grievance claim assert that: a specific decision action/decision is improper?
 services/planning were not implemented according to approved processes? don't know?

Who do you believe has committed this grievance? planning council (Commission)
 grantee (DPH) administrative agency (DHSP) don't know

Other, please identify here: _____

¹ While "anonymous" grievances are allowed, the Commission strongly encourages grievants to identify themselves in order to ensure appropriate information exchange and notification, and to ensure that the grievant's interests are properly addressed in the grievance process.

STATEMENT OF GRIEVANCE

In your own words, please describe the reasons for this grievance claim in the prescribed space [where possible and available, include relevant dates (e.g., date(s) of the decision/action)], parties (e.g., who you believe is involved/responsible), justifications (e.g., reasons for the grievance/submitting a grievance claim), and/or consequences (e.g., what has happened/could happen as a result of the decision/action/inaction)]:

I, the undersigned, have read Commission Policy/Procedure #05.8001 (*Commission on HIV Continuum of Care Grievance Process*) and understand the grievance process outlined therein that will be initiated when I submit this grievance form. Further, my signature below indicates my willingness, and the willingness of the group/organization I am authorized to represent, to submit to and fulfill all of the responsibilities as a potential grievant, as detailed in that policy.

Name of Grievant (*printed*)

Signature of Grievant

Group/Organization, *if applicable*

Date



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GRIEVANCE PROCESS COMPLIANCE LOG

Grievance Submitted: Grievance Form Date: _____
 Other form: _____
 Certification Initiated: _____

For Office Use Only:
 Grievance # _____
 Last Revised: _____

Grievant Contact: _____	<input type="checkbox"/> Anonymous
Group/Organization: _____	
Email: _____	Phone: () _____
Grieved Contact: _____	
Group/Organization: <input type="checkbox"/> Grantee (DPH) <input type="checkbox"/> Administrative Agency (DHSP) <input type="checkbox"/> PC (Commission)	
Email: _____	Phone: () _____

CERTIFICATION

Referred? No Yes To Whom? _____
 Date Referred (within 5 business days): _____

Reason for referring: _____

Grievance Form complete? Yes No Within grievance authority? Yes No

If not complete, what was missing? _____

Was the grievant contacted for additional information? Date(s) _____

Did grievant supply additional info? All Some None Date(s) _____

- Decision/Action Dispute within twenty days of the specific decision/action
- Non-Compliance Claim within a year of implementation and approved process expectations

Certified? No Yes With Reservation Date (within 10 business days): _____

Reasons for not certifying or certifying "with reservation": _____

ED request non-certified ratification at EC (next regularly scheduled EC Meeting)? Yes No

Non-Certification ratified by EC? Yes No Vote: _____ Date: _____

Certification notification sent to grievant (2 business days after certification)? _____

Certification agreement received from grievant (5 business days after notification)? _____

Certification agreement presented to Executive Committee (next EC meeting)? _____

Next regularly scheduled EC meeting? Specially scheduled meeting (within 20 business days)?

ADJUDICATION

Official Grievance Claim? Yes No Date Initiated: _____

Grievant Representative: _____

Email: _____ Phone: () _____

Grieved Representative: _____

Email: _____ Phone: () _____

Consolidated? Yes No Date: _____ Claims # _____ & _____

Grievance Modified? Yes No Grievant's Consent? Date: _____

If the nature or scope of the grievance claim was modified, reasons for modifying it:

Valid? Yes No Vote: _____ Date of EC meeting: _____

Next regularly scheduled EC meeting? Specially scheduled meeting (within 20 business days)?

Grievant Present? Grieved Present? Grievance within Commission's authority?

If the grievance claim was not validated, explain why:

Substantiated? Yes No Vote: _____ Date of EC meeting: _____

Grievant Present? Grieved Present? Did the information support the claim?

One partner's conditions not met the other *and* Not meeting conditions justifies grievance

If the grievance claim was not substantiated, explain why:

Sustained? Yes No Vote: _____ Date of EC meeting: _____

Next regularly scheduled EC meeting? Specially scheduled meeting (within 20 business days)?

Postponed meeting Parties' Consent? Grievant Present? Grieved Present?

Sustained waived? "No Contest"? Is the grieved partly or fully responsible?

- Was the grievant impacted or harmed by consequences of grieved's decisions/actions?
- Did decisions/actions of grieved lead to inconsistencies with approved expectations?
- Did the grieved's decisions contradict approved expectations?
- Failure to comply with approved expectations is the result of grieved/other party's actions?
- Were decisions/actions by grieved the principal reason for non-compliance with expectations?
- Is the impact/significance of those decisions/actions enough to warrant a grievance?
- Is the grieved partly/fully responsible for mitigating the impact and/or resolving the issue?

If the grievance claim was not sustained, explain why:

Adjudication notification sent (within 2 business days): **To Grievant** _____ **Grieved** _____
 Adjudication agreement r'cvd (within 5 business days): **From Grievant** _____ **Grieved** _____
 Adjudication summary presented to Commission (next regularly scheduled meeting): _____

Appeal? No Yes After: Valid Substantiate Sustain
 Appealed by: Grievant Grievant Appeal submitted (with 10 business days): _____
 Valid appeal: No Yes Date parties notified (with 2 business days): _____
 Grounds for valid appeal—at least one below, or Other: _____
 EC did not follow grievance procedures Decision based on unrelated/irrelevant data
 Non-adherence to conflict-of-interest Decision inconsistent with deliberations
 Available data/evidence not considered Claim not properly understood by EC

If the appeal claim was not valid, explain why:

Date presented to EC [next regularly or specially scheduled (within 20 business days) meeting]: _____
 EC override of non-valid appeal? n/a Yes Vote (two-thirds vote required): _____
 Not Support Support Vote: _____ Present: Grievant Grieved

Explain the reasons for the EC's conclusion of the appeal:

If appeal supported, grievance resumed at: Valid Substantiate Sustain
 Appeal notification sent (within 2 business days): **To Grievant** _____ **Grieved** _____
 Appeal summary presented to Commission (next regularly scheduled meeting): _____
 Revised agreement r'cvd (within 5 business days): **From Grievant** _____ **Grieved** _____

RESOLUTION

Confirmation of Formal Grievance (following receipt of agreements by both parties): _____

Conflict/Dispute Management EC meeting (next regularly scheduled meeting): _____
 Next regularly scheduled EC meeting? Specially scheduled meeting (within 20 business days)?
 Postponed meeting Parties' Consent? Grievant Present? Grieved Present?
 Was the grievance determined to be: "Actionable"? "Not Actionable"?
 If "not actionable," the EC could not identify any possible/necessary strategies that would:
 mitigate (further) harm that may have been caused by the decision/action, and
 reduce disparities that may have resulted from the decision/action, and
 align actual implementation with approved plans in order to correct the grievance issue, and
 modify existing allocations and/or contracting to address the grievance issue, and
 modify approved planning decisions/documents to address the grievance issue.

If the grievance is not "actionable," explain specifics:

"Not actionable" decision presented to Commission (next regularly scheduled meeting): _____

Resolution strategy developed? No Yes Attached?

Approved by: Grievant Grievd Executive Committee Vote: _____

Date approved (no later than one regularly scheduled meeting after "actionable" decision): _____

Resolution plan attached? Approved with resolution strategy? Separately?

Date approved (no later than one regularly scheduled meeting after "actionable" decision): _____

Approved by: Grievant Grievd Executive Committee Vote: _____

Present for strategy: Grievant Grievd For plan: Grievant Grievd

Special EC meetings convened? _____ Agreed: Grievant Grievd EC

Resolution notification sent (within 2 business days): To Grievant _____ Grievd _____

Resolution agreement r'cvd (within 5 business days): From Grievant _____ Grievd _____

Resolution strategy/plan presented to Commission (next regularly scheduled meeting): _____

Non-Binding Mediation EC meeting (next regularly scheduled meeting): _____

Justification for elevation to non-binding mediation: Failure to determine resolution

Successful resolution appeal By Grievant By Grievd Date: _____

Mediator: _____ Date Selected (within 14 business days): _____

Email: _____ Phone: () _____

Mediator Selection: County or EC Grievant Grievd or EC only

Mediator conflict-of-interest statement (date): _____ Mediation from _____ to _____

If the mediation process took longer than 14 business days, explain:

Describe the mediation process:

Resolution strategy/plan developed? No Yes Attached?

Approved by: Grievant Grievd Executive Committee Vote: _____

Date approved (within 28 business days of conclusion of mediation process): _____

If development of the resolution strategy/plan took longer than 28 business days, explain:

Resolution notification sent (within 2 business days): To Grievant _____ Grievd _____

Resolution agreement r'cvd (within 5 business days): From Grievant _____ Grievd _____

Resolution strategy/plan presented to Commission (next regularly scheduled meeting): _____

Appeal? No Yes After: C/D Management N-B Mediation

Appealed by: Grievant Grievant \$100 deposit received _____ Waived? _____

If deposit waiver granted, justify here :

- Decision Appeal: submitted within six months of approved resolution strategy _____
- Process Appeal: submitted within 20 business days for other reasons _____

Grounds for valid appeal—at least one below, or Other: _____

- resolution strategy is unmanageable
- EC did not adhere to grievance procedures
- either party has failed to fulfill its respective responsibilities:
- resolution did not suitably resolve grievance
- unrevealed conflicts-of-interests
- Grievant Grieved

Valid appeal: No Yes Date parties notified (with 2 business days): _____

If the appeal claim was not valid, explain why:

Date presented to EC [next regularly or specially scheduled (within 20 business days) meeting]: _____

EC override of non-valid appeal? n/a Yes Vote (two-thirds vote required): _____

Not Support Support Vote: _____ Present: Grievant Grieved

Explain the reasons for the EC's conclusion of the appeal:

If appeal supported, grievance resumed at: C/D Management N-B Mediation

Appeal notification sent (within 2 business days): To Grievant _____ Grieved _____

Appeal summary presented to Commission (next regularly scheduled meeting): _____

Revised agreement r'cvd (within 5 business days): From Grievant _____ Grieved _____

Binding Arbitration EC meeting (next regularly scheduled meeting): _____

Justification for elevation to non-binding mediation: Failure to determine resolution

Successful resolution appeal By Grievant By Grieved Date: _____

Arbitrator: _____ Date Selected: _____

Email: _____ Phone: () _____

Arbitrator conflict-of-interest statement (date): _____ Arbitration from _____ to _____

Costs of binding arbitration are assigned to parties to the grievance based on the following:

- Commission: EC fails to approve final resolution plan/strategy
- Shared by grievance parties: "impasse"—parties cannot agree to a resolution strategy
- Single grievance party: party has not fulfilled responsibilities Grievant Grieved
- Single grievance party: party refuses to agree to resolution as an obstructive measure
- Grievant Grieved EC vote (two-thirds vote required) _____ Date: _____

If the arbitration process took longer than 40 business days, explain:

Describe the arbitration process:

Resolution strategy/plan developed? No Yes Attached?

Resolution notification sent (within 2 business days): To Grievant _____ Grieved _____

Resolution agreement r'cvd (within 5 business days): From Grievant _____ Grieved _____

Resolution strategy/plan presented to Commission (next regularly scheduled meeting): _____

REFERRAL TO OTHER COUNTY DEPARTMENTS

- | | | |
|--|-----------------------------------|---------------------------------|
| <input type="checkbox"/> Failure to return adjudication agreement | <input type="checkbox"/> Grievant | <input type="checkbox"/> Grievd |
| <input type="checkbox"/> Withdrawing participation from resolution phase | <input type="checkbox"/> Grievant | <input type="checkbox"/> Grievd |
| <input type="checkbox"/> Failure to fulfill resolution plan responsibilities | <input type="checkbox"/> Grievant | <input type="checkbox"/> Grievd |
| <input type="checkbox"/> Failure to assume appropriate costs | <input type="checkbox"/> Grievant | <input type="checkbox"/> Grievd |
| <input type="checkbox"/> Board of Supervisors | Date: _____ | Contact: _____ |
| <input type="checkbox"/> Chief Executive Office | Date: _____ | Contact: _____ |
| <input type="checkbox"/> County Counsel | Date: _____ | Contact: _____ |
| <input type="checkbox"/> Auditor-Controller | Date: _____ | Contact: _____ |
| <input type="checkbox"/> Other: _____ | Date: _____ | Contact: _____ |

GRIEVANCE CONCLUSION

- | | | |
|---|-----------------------------------|--|
| <input type="checkbox"/> Grievance claim not certified | | Date: _____ |
| <input type="checkbox"/> Adjudication conclusion | <input type="checkbox"/> Valid | <input type="checkbox"/> Substantiate |
| <input type="checkbox"/> Resolution conclusion | <input type="checkbox"/> C/D Res. | <input type="checkbox"/> N-B Mediation |
| <input type="checkbox"/> Grievant fulfilled responsibilities of resolution plan | | Date: _____ |
| <input type="checkbox"/> Grievd fulfilled responsibilities of resolution plan | | Date: _____ |
| <input type="checkbox"/> Grievance closed | Date: _____ | <input type="checkbox"/> Commission notified |
| <input type="checkbox"/> Grievant notified | Date: _____ | <input type="checkbox"/> Grievd notified |
| | | Date: _____ |

Executive Director

Date