

## **1.10 GRIEVANCE POLICY**

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### **PURPOSE**

To allow all contracted childcare providers, clients, and Coalition staff an avenue to have grievances reviewed in a timely and fair manner.

### **POLICY**

The Coalition will maintain a process where all individuals employed by or doing business with the Coalition have a venue to address grievances.

### **APPLICABILITY**

Coalition Board of Directors, Coalition Staff, Clients, Providers

### **RESPONSIBILITY**

Coalition Board of Directors, Executive Director, Designated Vendor

### **PROCEDURE**

1. Provider Grievance Policy
  - a. Any grievance made to the Coalition must be made in accordance with the following procedure:
    - i. The provider must set forth the grievance clearly and comprehensively in writing and it must be delivered to the main office of the Coalition. If there is a legal basis of any kind to the grievance it must be referenced in the written document with as much specificity as reasonably possible, including, by example, but not limitation, reference to policy, procedure, statute, regulation, case law or executive order. If there are parties who are pertinent to the grievance, contact information for the third party(s) and any known representative, including but not limited to legal counsel, acting on their behalf must be provided.
    - ii. The written grievance documentation will be presented to the Coalition Board for review at the next meeting provided the documentation was received at least 10 working days prior to the meeting.
    - iii. The Coalition will respond in writing to the provider regarding the complaint or grievance within 10 working days of the meeting of the Coalition Board.
    - iv. The decision of the Coalition is final unless, in the complete discretion of the board, it is determined that good cause exists for reconsideration. If the provider believes good cause may exist for reconsideration of a decision by the Coalition, the provider should set forth the basis for reconsideration in writing and deliver the documentation to the main office of the Coalition. The Coalition will respond to any request for reconsideration in the same manner as with any grievance made originally as set forth in paragraphs "i" through "iii" of this section.
    - v. Prior to instituting any litigation with the Coalition, the provider must first receive a final decision on the grievance, in the same manner as set forth in paragraph "iii" of this section. In addition, after receiving the final decision, the provider must request the Coalition participate in a mediation conference with the provider. The

request must be in writing and delivered to the office of the Coalition. It is within the complete discretion of the Coalition to accept or deny the request.

Acceptance may be conditioned upon participation in the mediation conference by third parties who are pertinent to the grievance. Within 10 days of receipt of the request, the Coalition will inform the provider in writing whether the request is accepted or denied. If the request is accepted, the Coalition and provider will mutually select a mediator and the entire cost of mediation will be borne by the provider unless otherwise mutually agreed upon by both the provider and Coalition. If the request is denied, the decision of the Coalition is final. Mediation must be held within 60 days of the date of written acceptance by the Coalition unless otherwise mutually agreed. Mediation is to be held in the county of the business address of the Coalition.

- vi. Grievances from parents or the community at large regarding the provider are to be dealt with by the provider and will not be considered by the Coalition, unless the grievance is specifically related to this agreement. It is recommended that the provider have a grievance procedure in place which is likely to result in resolution of any grievance that may or may not include mediation.

## 2. Employee Related Grievance Policy

- a. It is the policy of the Coalition to provide a method for staff members to reach a satisfactory solution for grievances and ensure all notices of adverse actions involving a written warning, a suspension or dismissal of an employee shall include advisement of the grievance procedures listed in “i” through “iv” of this section.
  - i. Staff members are to discuss their complaint or problem as soon as it develops with their immediate supervisor who will attempt, without discrimination, to provide prompt and equitable solutions.
  - ii. If the problem cannot be resolved with the immediate supervisor, the employee should continue discussions through the appropriate supervisory channels, including presenting their complaint to the Executive Director.
  - iii. The Executive Director will make a sincere effort to adjust promptly, amicably and satisfactorily any complaint or problem of staff members present.
  - iv. If the problem cannot be resolved with the Executive Director, the employee has the option to submit written notice of the grievance within 10 days of the action or decision of the Executive Director to the board chair or designee. The written notice shall include:
    - 1. A detailed explanation of how the individual/entity was adversely affected by the action or decision, citing specific legislation, policy, procedure, statute, etc. that was violated.
    - 2. The Coalition/agency/entity action or decision.
    - 3. The date the action or decision occurred.
    - 4. If desired, the name, address and telephone number of an individual who can act on behalf of the individual/entity.
- b. Upon receipt of the request for an appeal, the board chair will convene the Executive Committee to consider the appeal within 30 days of the receipt of the request. The Executive Committee is charged with the responsibility of reviewing all pertinent

information and, based on the information, making a recommendation to the board. The board will discuss and review the findings of the Executive Committee and vote on the recommendation of the Committee. The Coalition will notify the individual/entity in writing within 10 days after the board's decision. The decision of the Coalition board is final.

### 3. General Grievance Policy

- a. It is the policy of the Coalition to ensure any complaint or grievance, other than grievances submitted by employees, participants, sub-contractors, child care/VPK providers, or any entity or person implementing Coalition programs, follows the complaint or grievance procedure of the agency, or the agency, entity or person offering or administering the services out of which the complaint or grievance arose in accordance with the procedures set out in "i" through "iv" of this section:
  - i. Initial Complaint: All non-employment related complaints or grievances by any participant, contractor, or any entity or person must first be presented in writing to the agency or entity delivering that program in accordance with the complaint or other grievance procedures established by that agency or entity. The complaint or grievance must be made in writing and addressed to the agency or entity.
  - ii. Initial Agency/Entity Response: The agency or entity shall respond to any complaint or grievance in accordance with their procedures, but within a time frame not to exceed 14 days of receipt of the complaint or grievance. Any agency contracted with the Coalition will maintain a record of any grievances and file a monthly report of the grievances to the Coalition.
  - iii. Appeal of Initial Agency/Entity Response: The aggrieved party must exhaust all appeal channels available within the established agency/entity grievance procedures. It is not anticipated that the Coalition will face many problems that cannot be settled by the individual agencies; therefore, the Coalition will act only in the event that those problems/grievances cannot be resolved. In such cases, the grievance procedures listed under Items "a(iv)" and "b" of this section will apply.
  - iv. Complaint to Coalition Executive Director: While it is the intent of the Coalition to make all decisions and actions in the best interest of the community and its children and to resolve problems through discussion and mediation, there may be instances where an individual/entity believes that a Coalition decision or action has caused a complaint or grievance. In such instances, the individual/entity who desires to file a grievance or complaint must submit to the Coalition Executive Director written notice of the grievance or complaint to include the following:
    1. A detailed explanation of how the individual/entity was adversely affected by the action or decision, citing specific legislation, policy, procedure, statute, etc. that was violated.
    2. The Coalition/agency/entity action or decision.
    3. The date the action or decision occurred.
    4. If desired, the name, address and telephone number of an individual who can act on behalf of the individual/entity.

- b. The Executive Director will make a sincere effort to adjust promptly, amicably and satisfactorily any complaint or problem of staff members present.
  - i. If the problem cannot be resolved with the Executive Director, the “aggrieved party” has the option to submit written notice of the grievance within 10 days of the action or decision of the Executive Director to the board chair or designee.
- 4. Upon receipt of the request for an appeal, the board chair will convene the Executive Committee to consider the appeal within 30 days of the receipt of the request. The Executive Committee is charged with the responsibility of reviewing all pertinent information and, based on the information, making a recommendation to the Board. The Board will discuss and review the findings of the Executive Committee and vote on the recommendation of the Committee. The Coalition will notify the individual/entity in writing within 10 days after the Board’s decision. The decision of the Coalition Board is final.

5. Parental Complaints

**Reference Federal Regulation 45 CFR 98.32**

- a. The Coalition shall:
  - i. Maintain a record of substantiated parental complaints.
  - ii. Make information regarding such parental complaints available to the public on request.
  - iii. The Coalition shall provide a detailed description of how such record is maintained and is made available.

Revised: