Metropolitan Washington HIV Health Services Planning Council Grievance Policy and Procedures

(Adopted by Planning Council 10-30-2008)

Section 1 – Legislative Requirements

These grievance procedures are designed to meet the following legislative requirements: Section 2602 (b)(6) of the Ryan White Treatment Modernization Act of 2006 requires Planning Councils to develop procedures for addressing grievances with respect to funding, including procedures for submitting grievances that cannot be resolved to binding arbitration. The legislation requires that these procedures be made a part of the Bylaws of the Planning Council and be consistent with model grievance procedures developed by HRSA. HRSA expects Planning Council and grantee grievance procedures to be coordinated.

These grievance procedures cover Planning Council actions with regard to Part A funding for the jurisdictions included in the Metropolitan Washington Part A Eligible Metropolitan Area (EMA), which include the following:

- The District of Columbia
- Charles, Calvert, Frederick, Montgomery, and Prince George's Counties in Suburban Maryland
- Arlington, Clarke, Culpeper, Fairfax, Fauquier, King George, Loudon, Prince William, Spotsylvania, Stafford, and Warren Counties and Alexandria, Fairfax, Falls Church, Fredericksburg, Manassas, and Manassas Park cities in Northern Virginia
- Berkeley and Jefferson Counties in West Virginia

Section 2 – Definitions

Definitions used in these procedures are provided in Attachment A.

Section 3 – Purpose

The Council's grievance policy is designed to provide a process that:

A. Enables eligible individuals or entities to exercise their rights to file an informal complaint or a formal grievance with regard to specific Planning Council policies and procedures and their implementation,
B. Prevents avoidable grievances and resolves complaints at the informal level whenever possible,
C. Ensures that each complaint or grievance is addressed and resolved fairly and quickly, and
D. Meets HRSA requirements and represents sound practice for a Part A EMA.

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Section 4 – Who May File a Grievance

Entities and individuals within the EMA who are directly affected by the outcome of a decision related to covered Planning Council policies and processes ("affected parties") are eligible to file a grievance. This may include:

A. Providers of HIV-related services that are eligible to receive Ryan White Part A funds
B. Consumer groups and PLWH coalitions and caucuses
C. Individual PLWH who are eligible to receive Ryan White Part A services or their caregivers
D. Members of the Planning Council

Section 5 – Eligible Grievances

Directly affected parties may file a grievance with regard to either of the following:

A. Deviations from the Council's established, written priority setting or resource allocation (PSRA) processes and related policies, and
B. Deviations from an established, written process for any subsequent changes to priorities or allocations.

This includes deviations from other Council policies and procedures, such as conflict of interest policies and procedures, during the PSRA process. It also includes any deviations from Bylaws-stated membership representation requirements, for example, if members who do not fit their stated membership category are participating in Council PSRA or reallocation decisions.

Section 6 – Prospective Implementation of Settlements

Any settlement reached through mediation or arbitration shall involve prospective (future) change. It shall not require reversal of priorities or categorical allocations made during the process that is being grieved. For example, if a mediation or arbitration agreement specifies that a Council policy, process, or procedure should be revised, the revision shall be made and then applied in future decision making.

Section 7 – Dispute Prevention and Early Resolution

A. The Planning Council recognizes that the best way to deal with grievances is to prevent them. The Council shall make all reasonable efforts to prevent circumstances or situations regarding the priority setting or resource allocation processes that could give rise to a grievance.
B. Dispute prevention efforts shall include at least the following:
    1. Annual review and updating of priority setting and resource allocations (PSRA) procedures and related policies and procedures.
    2. Use of clear written PSRA and related policies that describe how decisions are made and are available to both Planning Council members and affected parties.

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3. Training for new Planning Council members and refresher training for all Council members prior to the PSRA process each year, to ensure that they understand and are prepared to follow PSRA and other Council policies and procedures.
4. Presentation of the process at the beginning of the PSRA or reallocations process, along with related policies, especially Conflict of Interest, to ensure understanding of how they apply to and during the process.
5. Identification at the beginning of the process of those Council members that have met any training or data presentation participation requirements and are eligible to participate in the decision-making process, and exclusion of any members who have not met these requirements.
6. Because recommendations for priorities and allocations are developed separately by each major jurisdiction within the EMA (District of Columbia, Northern Virginia, suburban Maryland, and West Virginia counties), use of clear written procedures, training, and enforcement to ensure that the approved procedures are followed by each jurisdiction in developing recommended priorities and allocations for submission to the Planning Council.
7. Clear instructions to Council members to ensure that if, during the PSRA or other decision-making process, they believe adopted policies and procedure are not being followed, they respectfully but immediately bring their concern to the attention of a Co-Chair or other officer.
8. Specific opportunities for interested parties to provide feedback on ways the decision-making process, including jurisdictional and Planning Council parts of that process, can be improved in future years.

C. When potential grievances arise, first steps shall involve informal conflict resolution efforts before the concern becomes a grievance. When a grievance is filed, the initial approach will be non-binding negotiations. For cases that cannot be resolved in this manner, subsequent steps shall be undertaken, with binding arbitration as a last resort.

D. Early intervention efforts to prevent formal grievances shall be handled as follows:
1. The Community Co-Chair shall serve as the Council's designated point of contact for an affected party with concerns about PSRA or related processes that might become a grievance. An affected party that appears to have standing to file a grievance and has concerns regarding adherence to established, written processes that are covered by these grievance procedures shall be encouraged to express these concerns at the earliest opportunity to the Council Community Co-Chair directly or through the Planning Council support staff.
2. In order for the informal process to have time to work, the affected party must make contact with the Planning Council support staff or Community Co-Chair directly within ten (10) working days after the disputed situation occurred.
3. In any situation where the Community Co-Chair has a real or perceived conflict of interest or inability to play a neutral role, the Chair will designate another Executive Committee member without such a conflict to handle that situation. The designee will carry out the tasks as described below in place of the Community Co-Chair.

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4. The Community Co-Chair will log all such contacts and discussions, recording the date, affected party name and contact information, concerns expressed, and the date of the event that led to the concerns.
5. The Community Co-Chair will meet with the affected party to review the expressed concerns. The discussion will occur within five (5) working days after the concerns are brought to the Community Co-Chair or staff. S/he will explain the procedures used and the rationale for the decision in question, and will provide other information as appropriate. The Community Co-Chair may involve the Chair or other Executive Committee members as needed. Where possible, the concerns will be resolved through this discussion. The Community Co-Chair may not make commitments that require Planning Council approval, but may agree to bring concerns to the Planning Council or the appropriate committee and will summarize the discussion in writing and provide the report to the Chair and to Planning Council support staff for the files.
6. If these efforts do not resolve the concerns, the Community Co-Chair will ensure that the affected party receives written information about the grievance process, timeframes, and how to file a grievance in a timely fashion so that s/he is able to meet the deadline of filing a formal grievance within twenty (20) days after the meeting or action leading to the grievance.

Section 8 – Overview of Formal Grievance Process

Formal grievances will be handled through the following steps, each of which may lead to a resolution. If that step is not successful, the grievant may move to the next step. The steps include:

A. An internal review of the grievance and grievant to determine whether the grievance and grievant have standing under these procedures,
B. An internal hearing to explore the facts and seek resolution,
C. Non-binding mediation, and
D. Binding arbitration.

Section 9 – Filing a Grievance

A. The affected party must submit a written Grievance Intake Form within ten (10) working days after the end of the attempt at informal dispute resolution, or, if no informal discussion is attempted, within twenty (20) working days after the event on which the grievance is based. If new information, not previously available to the grievant, comes to light after the 20 business day limit but within no more than 120 business days (180 calendar days), an filing deadline may be extended on a case-by-case basis at the discretion of the Chair of the Bylaws, Policies and Procedures Committee. (The form is provided in Attachment 2.) If no Grievance Intake Form is submitted within the time limits stated above, the affected party will forfeit the right to file a grievance.

   The completed form may be submitted to the Planning Council staff offices by U.S. mail with return receipt requested, electronic mail (with electronic signature), fax, or personal delivery during normal working hours. Planning Council staff will answer

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questions about the process and intake form, log in the grievance, and within two (2) working days after receipt will inform the grievant that the grievance has been received and provide a written summary of the grievance process, including steps, forms, and timelines.

B. Planning Council support staff will provide copies of the grievance to the Co-Chairs and the Chair of the Bylaws, Policies and Procedures Committee within two (2) working days after receipt.

Section 10 – Internal Review and Hearing

A. The Chair and Community Co-Chair shall review the grievance with the Chair of the Bylaws, Policies and Procedures Committee within three (3) working days after receiving the grievance, to determine whether the affected party is an eligible grievant and whether the situation described represents an eligible grievance.

B. If any of these individuals has a conflict of interest with regard to the situation, other members of the Executive Committee shall replace them in this process. If necessary, one or more other Council members shall be identified to serve this function.

C. The grievant will be informed of the decision within two (2) working days after the decision about standing is made.
   1. If the grievance is rejected, the letter must explain the reasons for the rejection and inform the grievant that s/he has ten (10) days after the date of the letter of rejection to contact Planning Council staff to appeal the decision.
   2. If the grievant and grievance are determined to have standing, or if the grievant files a notice of appeal, the Bylaws, Policies and Procedures Committee will establish a three-person panel to review the merits of the grievances and attempt to resolve the grievance within five (5) working days after the decision about standing is made or after the appeal of the letter of rejection.

D. The Grievance Review Panel shall consist of three Council members that have no conflict of interest or personal bias on this issue. The Chair of the Bylaws, Policies and Procedures Committee shall chair the Panel unless s/he has a conflict, in which case another member of the Executive Committee, or if necessary another Council member not on the Executive Committee, shall serve as Chair of the Panel.

E. The Panel shall conduct a review of the circumstances and information available regarding the grievance and in most cases schedule a meeting at which the grievant shall have the opportunity to provide additional information beyond what is provided on the written grievance form and answer questions posed by the Panel as input to their decision making. The Panel will typically make its judgment regarding the grievance and how it should be resolved immediately after the meeting with the grievant. Approval by the Chair and Community Co-Chair or Executive Committee may be sought if necessary. This meeting and decision making shall occur within ten (10) working days after formation of the panel.

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F. The Chair of the Panel shall arrange for staff to send the recommended resolution to the grievant, by certified mail, within three (3) working days after the date of the review.

G. If the grievant finds the report satisfactory, the grievant will indicate acceptance by signing one copy of the report and returning it to the staff.

H. If the grievant's complaint is denied or if the grievant is not satisfied with the resolution in the report, the grievant may request formal non-binding mediation.

Section 11– Non-Binding Mediation

A. The grievant shall have ten (10) working days from the date of receipt of the written report from the Panel to request mediation, using a Request for Non-Binding Mediation Form (See Attachment 3 for a copy of the form). The form may be delivered to the Planning Council support staff office via U.S. mail, return receipt requested, electronic mail (with electronic signature), fax, or personal delivery during normal working hours.

B. If the Council does not receive a Request for Non-Binding Mediation Form from the grievant within ten (10) days, the grievant will waive all further rights to grieve the issue and all associated issues.

C. Planning Council staff shall log in the request for mediation, and within two (2) working days after receipt, inform the grievant that the request has been received.

D. The Council shall seek a mediator under contract to the District of Columbia Government. Within five (5) working days after receipt of the request for mediation, the Council staff shall provide the grievant the name of a neutral person who is skilled in mediation and lives in the EMA. This neutral person shall not have been involved with the decision that is the subject of the grievance and shall have no direct interest in the outcome of the grievance process. The grievant and the Council shall both have the opportunity to request a different mediator if the grievant or anyone involved in the prior review of the grievance is acquainted with the mediator or feels s/he is not neutral.

E. Upon appointment, the mediator shall, within three (3) working days, contact the grievant and Chair of the Grievance Review Panel and agree on a day, time, and location of the initial mediation meeting. The Chair of the panel may represent the Council or may ask another member of the grievance review panel to represent the Council in the mediation. The mediation meeting shall be scheduled within ten (10) working days after this first contact with the mediator. The mediator shall review the written report and other information on the circumstances and information available regarding the grievance. The mediator may ask the two parties each to provide a brief memorandum setting forth its position with regard to the issue(s) that need to be resolved. The mediator may share the memorandum with the other party with the consent of the party that prepared the memorandum.

F. The mediator will facilitate a meeting between the parties to assist them in obtaining a resolution of the grievance. If the grievance is resolved, the mediator will prepare, and both parties will indicate acceptance by signing, a statement of resolution. If the

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mediator is unable to help the parties reach resolution or determines that an impasse has been reached, both parties will be so informed in writing. The written statement of resolution or impasse will be provided to the grievant and Council within five (5) working days after the mediation meeting.

G. At this point either party may request binding arbitration, with the understanding that the decision of the arbitrator will be final and binding on both parties.

Section 12 – Binding Arbitration

A. The grievant may submit a Request for Binding Arbitration to the Planning Council staff (See Attachment 4 for a copy of the form). The completed form must be received by Council staff within ten (10) working days after the mediation ends. It may be submitted to the Council staff office in writing via U.S. mail, return receipt requested, electronic mail (with electronic signature), fax, or personal delivery during normal working hours. If the staff does not receive a written form requesting arbitration from the grievant within the specified period, the grievant will waive all further rights to grieve the situation.

B. Planning Council staff shall log in the request for arbitration, and, within two (2) working days after receipt, shall inform the grievant and the Grievance Subcommittee Chair that the request has been received.

C. Council staff shall request a neutral arbitrator through the source contracted by the District of Columbia Government or another reputable local source. The arbitration will be conducted in accordance with the standards of the American Arbitration Association (AAA). The source will provide the name of a disinterested person who is skilled in the process of arbitration to the Chair of the Grievance Review Panel for this grievance and the grievant within five (5) working days after the Request for Binding Arbitration Form is received. This neutral person shall have had no involvement in the process that is the subject of the grievance nor will s/he have any direct interest in the outcome of the grievance process. The grievant and the Council representative shall each approve the arbitrator or request a different arbitrator if the grievant or Council representative grievance is acquainted with the arbitrator or questions his/her selection.

D. Once the arbitrator has been accepted by both parties, s/he shall within three (3) working days contact the grievant and the Chair of the Grievance Review Panel for this grievance and agree on the date, time, and location for an arbitration meeting. A meeting will be scheduled within fifteen (15) working days.

E. The arbitrator will review correspondence, records, or documentation related to the process that is the subject of the grievance, including materials from the mediator. The arbitrator may ask the two parties to provide additional information related to the grievance.

F. Within seven (7) working days after the arbitration meeting, the arbitrator will deliver to the grievant and the Council an arbitration summary and decision, signed by the arbitrator. This decision will resolve the grievance.

G. Within three (3) days of receipt of the arbitrator's decision, all parties shall be required to sign one copy of the decision, which shall be binding on both parties.

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Section 13 – Summary of Time Frames

A. An affected party shall have twenty (20) working days after the relevant Planning Council event or action in which to file a formal grievance related to that event or action. If the affected party chooses to first attempt informal resolution, this should be initiated within ten (10) working days after the event or action occurs.

B. The grievant will have ten (10) working days to decide whether to move from each step of the grievance process to the next – from informal to formal grievance, from formal grievance to mediation, and from mediation to binding arbitration.

C. The time frames for the grievance resolution process are summarized below.

1. **Grievance prevention and early intervention** – five (5) working days after a concern is raised with the Council Community Co-Chair,
2. **Internal non-binding procedures** – seven (7) working days after the grievance is filed to determine whether the grievance has standing, and an additional eighteen (18) days for a grievance panel to hold a meeting and attempt to obtain a resolution of the grievance,
3. **Non-binding mediation** – twenty-five (25) working days after the mediation request is received by the Planning Council to reach a resolution or an impasse, and
4. **Binding arbitration** – thirty-five (35) days after the arbitration request form is received by the Planning Council to obtain a binding resolution from the arbitrator and communicate it to both parties in writing.

D. Time frames identified in this procedure may be altered only through mutual agreement of both parties, provided in writing.

Section 14 – Costs

The costs for grievances shall be as follows:

A. There shall be no cost for an informal discussion or for filing a grievance that undergoes the internal review process.

B. A fee of $50 shall be charged for filing a Request for Non-Binding Mediation, to contribute to the cost of mediation.

C. A fee of $100 will be charged for filing a Request for Binding Arbitration, to contribute to the cost of arbitration.

D. In exceptional circumstances, the Council may waive either or both fees.

E. Both parties will be responsible for costs related to their own participation in the grievance resolution process, including costs related to any witnesses or documents they choose to bring forward.

Section 15 – Planning Council Action Following Resolution of Grievances

Following any agreement reached regarding a grievance against the Planning Council, the Grievance Subcommittee Chair shall report to the Executive Committee and then to the full Council regarding the nature of the grievance and the settlement. This shall

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include clarifying whether the agreement was made through internal dispute resolution efforts, mediation, or binding arbitration. Focus will be on ensuring an understanding of the terms of the agreement and the required or desirable actions to be taken by the Council to fully meet these terms and to avoid similar situations in the future. The Council will take action to ensure clear responsibility for ensuring that all provisions of the agreement are met within a specified time period.

Section 16 – Confidentiality and Non-Retaliation Protections

A. **Confidentiality:** Confidentiality shall be maintained throughout the process and all parties shall sign statements of confidentiality (See Attachment 5).

   1. Mediators and arbitrators shall not divulge confidential information disclosed to them by the parties during mediation or arbitration, or share related records, reports, or other documents received, except that the mediator may provide such information to the arbitrator.
   2. The Council grievance panels shall share with the Council only a description of the grievance, the public agreement reached, if any, or the areas of disagreement that were not resolved, as required so the Council can take appropriate action to resolve issues that led to the grievance. No identifying information shall be provided.
   3. The Bylaws Committee Chair shall summarize to the Executive Committee and full Council the resolution of a grievance and the action required of the Council as described above, but shall not discuss the identity of the grievant or any confidential information shared during the meetings associated with dispute resolution.
   4. The grievant will be asked to maintain similar confidentiality, through a statement included in the intake, request for mediation, and request for binding arbitration forms.
   5. Agreements on confidentiality shall be made a part of any written settlement signed by the Council representative and the grievant.

B. **Non-Retaliation Protections:** No grievant or related party shall be discriminated against nor suffer retaliation, nor be treated unprofessionally or unfairly as a result of filing a grievance or participating in the investigation of a grievance.

Section 17 – Involvement of Grantee

The Planning Council shall inform the grantee whenever a grievance is received, and shall keep him/her informed about the status of each grievance.

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Attachment 1:

Metropolitan Washington HIV Health Services Planning Council Grievance Policy and Procedures Definitions

AAA – American Arbitration Association

Affected Party – An entity or individual that has standing to file a grievance due to being directly affected by the outcome of a covered process, such as service providers eligible for Ryan White Part A funds, consumer groups, PLWH caucuses, and individual consumers of Ryan White Part A services.

Arbitration – The submission of a dispute to an impartial or independent individual or panel for a binding determination. Arbitration is usually carried out under a set of rules. The decision of an arbitrator generally has the force of law, although it generally does not set a precedent on how future disputes will be resolved.

Arbitrator – An individual selected to decide a dispute or grievance. Arbitrators may be selected by the parties or by another individual or entity. In this EMA, arbitrators are selected by the American Arbitration Association.

Binding – A process in which parties agree to accept – to be bound by – the decision of a third party such as an arbitrator.

Costs – Charges for administering a dispute resolution process.

Day – In these policies, refers to a working or working day, not a calendar day.

Dispute Prevention – Techniques or approaches used by an organization to resolve disagreements at an early and informal stage, to avoid or minimize the number of disputes that reach the formal grievance process.

Grievance – A complaint or dispute that has reached the stage where the affected party seeks a formal approach to its resolution.

Grievant – An entity or eligible individual seeking a formal resolution of a grievance.

Impartiality – Freedom from bias or favoritism, in word or action; a commitment to aid all parties, not just a single entity or individual, in reaching a mutually acceptable agreement.

Mediation – A formal process in which a neutral person, the mediator, assists the parties in reaching an acceptable resolution to their dispute. Mediation may involve meetings held by the mediator with the parties together and separately. The results of mediation can become binding if the parties agree to and sign them.

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Mediator – A trained impartial and usually independent third party selected to help the parties reach an agreement on a determined set of issues.

Neutral – A term used to describe an independent third party, including a mediator or arbitrator, selected to resolve a dispute or grievance. The term indicates that the person does not favor either side in the dispute.

Non-binding – Techniques in which the parties to a dispute attempt to reach an agreement but are not required to accept the results. The agreement must be voluntarily accepted by both parties; results are not imposed by a third party as they are in binding arbitration.

Party – Refers to one of the participants in the grievance process. This includes the grievant (the group or individual that brings the grievance action), and entity against which the grievance is brought.

Remedy – The relief or result sought by a grievant in bringing a grievance. It can include a process change, monetary damages, or (in some situations) a reversal of a decision. In this EMA, remedies are prospective, which means they apply to future funding-related decisions, but not retroactively, to past funding decisions.

Standing – A term referring to the eligibility of an entity or individual to bring a grievance. In the case of Ryan White Part A grievances, an entity or person that is directly affected by the decision has standing to challenge a Planning Council or grantee decision with respect to funding.

With Respect to Funding – Refers to Planning Council priority setting, resource allocation, and reallocation processes (including directives, conflict of interest policies, and related policies and procedures). Ryan White legislation requires Planning Council grievance procedures to cover grievances with respect to funding.

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Attachment 2:
Metropolitan Washington HIV Health Services Planning Council Grievance Intake Form

Grievances and the Right to File a Grievance: Grievances may be filed with the Planning Council regarding the following::

- Deviations from the Council's established, written priority setting or resource allocation process and related policies
- Deviations from an established, written process for any subsequent changes to priorities or allocations

This includes deviations from other Council policies and procedures, such as conflict of interest policies and procedures, during the PSRA process. It also includes any deviations from Bylaws-stated membership representation requirements, for example, if members who do not fit their stated membership category are participating in Council PSRA or reallocation decisions.

Eligibility: You are eligible to file a grievance if you are *directly affected* by the outcome of such a deviation. The following entities and individuals may be "affected parties" and eligible to file grievances:

- Providers of HIV-related services that are eligible to receive Ryan White Part A funds
- Consumer groups and PLWH coalitions and caucuses
- Individual PLWH who are eligible to receive Ryan White services or their caregivers
- Planning Council members

Timing: If you wish to file a grievance with the Inland Empire HIV Planning Council this form must be completed, submitted, and received by the Planning Council office within twenty (20) business days of the date of the alleged deviation. You will be contacted within two (2) business days after receipt of this form by Planning Council staff.

Filing Fee: There is no administrative fee associated with filing this grievance.

Informal Resolution: You are encouraged to consider informal discussion about your concerns prior to filing a grievance. Within ten (10) days after the date of the event or action, you may contact the Vice Chair of the Planning Council and request the opportunity to discuss your concerns and seek informal resolution. If you do not reach a resolution acceptable to you, you may still file a formal grievance using this form up to 30 days after the date of the alleged deviation.

Submission: Submit the completed form to the Planning Council Coordinator at the HIV/AIDS Administration (HAA). You may submit the form by mail, electronic mail (with electronic signature), or fax, or bring it to the office during normal working hours. The date of submission is the date the Grievance Intake Form is received by Planning Council support staff. Council offices are located at: HIV/AIDS Administration (HAA), 64 New York Avenue, NE, Suite 5001, Washington, DC 2002, Telephone 202-671-4900 , Fax 202-673-4365, e-mail RWPC@dc.gov

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Grievance Intake Form, p 2

Name(s) of person(s) filing the Grievance:

Name of Entity on whose behalf the grievance is being filed:
[Check here if you are filing as an individual ___]

Address:

City and State **Zip code**

Telephone Number daytime): **Cell phone (optional):**

E-mail address: **Fax number:**

Indicate ONE preferred method of contacting you:
___ Daytime phone ___ Cell phone ___ E-mail
___ Postal service ___ Other (specify)

What was the date of the alleged deviation from established policy?

Which policy(ies) or procedures do you feel were not followed?

Describe the alleged deviation and how you (entity or individual) were directly affected.

Describe what remedy you seek. (Add additional pages as needed).

I attest that the information provided in this form is accurate, that I as an individual or the entity I represent has standing to file a grievance with the Planning Council.

Signature of Grievant: **Date:**

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Attachment 3:
Metropolitan Washington HIV Health Services Planning Council
Request for Non-Binding Mediation Form

Eligibility: You may request non-binding mediation if you filed a grievance under Planning Council grievance policies, the grievance was found to have standing, and you are not satisfied with the proposed resolution in the report of the grievance panel established by the Planning Council.

Timing: The Planning Council office must receive your request for non-binding mediation within ten (10) business days after you received the written report of the Planning Council panel on your grievance.

Filing Fee: The administrative fee for non-binding mediation is $50. The fee is due at the time of filing, and may be paid by check or money order. You may ask that the fee be waived if paying if would cause great financial hardship.

Submission: Submit the completed form to the Planning Council Coordinator at the HIV/AIDS Administration (HAA). You may submit the form by mail, electronic mail (with electronic signature), or fax, or bring it to the office during normal working hours. The date of submission is the date the Request for Non-Binding Mediation Form is received by Planning Council support staff. Council offices are located at: HIV/AIDS Administration (HAA), 64 New York Avenue, NE, Suite 5001, Washington, DC 2002, Telephone 202-671-4900, Fax 202-673-4365, e-mail RWPC@dc.gov

Information Required: Your original grievance is on file at the Planning Council offices. Please include in this request your contact information, any updated information regarding your grievance and desired remedy, and why you are seeking mediation.

Name(s) of person(s) filing the grievance:

Name of entity on behalf of which the grievance was filed:

[Check here if you are filing as an individual ___]

Address:

City and State **Zip code**

Telephone Number (daytime): **Cell phone (optional):**

E-mail address: **Fax number:**

Indicate ONE preferred method of contacting you:

___ Daytime phone ___ Cell phone ___ E-mail

___ Postal service ___ Other (specify)

On what date did you file the original grievance?

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Request for Non-Binding Mediation, p 2

Why are you requesting non-binding mediation?

Please provide any desired updated information about your grievance, how you were directly affected, and the desired remedy. (Use additional pages as needed.) If the information on your Grievance Intake Form is complete and still applies, please indicate that here.

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I am requesting non-binding mediation. I have been provided information about the process and agree to cooperate with the mediator and to meet the timeframes specified. I agree to keep confidential information discussed during the mediation that is not public information, and I understand that other parties must agree to the same requirements.

Signature: **Date:**

Attachment 4:

Metropolitan Washington HIV Health Services Planning Council Grievance with Planning Council as Respondent Request for Binding Arbitration Form

Eligibility: You may request binding arbitration if you filed a grievance under Planning Council grievance policies, the grievance was found to have standing, and you were unable to reach a satisfactory resolution through the Planning Council's grievance panel or through non-binding mediation.

Binding Arbitration: If you participate in binding arbitration, the decision of the arbitrator will be final and the settlement specified in the arbitrator's report will be binding on both parties.

Timing: The Planning Council office must receive your request for non-binding mediation within ten (10) business days after you received the report of the mediator indicating an impasse or an indication that no mutually satisfactory resolution was reached.

Filing Fee: The administrative fee for binding arbitration is $100. The fee is due at the time of filing, and may be paid by check or money order. You may request that the fee be fee waived if paying it would cause severe financial hardship.

Submission: Submit the completed form to the Planning Council Coordinator at the HIV/AIDS Administration (HAA). You may submit the form by mail, electronic mail (with electronic signature), or fax, or bring it to the office during normal working hours. The date of submission is the date the Request for Binding Arbitration Form is received by Planning Council support staff. Council offices are located at: HIV/AIDS Administration (HAA), 64 New York Avenue, NE, Suite 5001, Washington, DC 2002, Telephone 202-671-4900, Fax 202-673-4365, e-mail RWPC@dc.gov .

Information Required: Your original grievance and your request for non-binding mediation are on file at the Planning Council offices. Please include in this request your contact information, any updated information regarding your grievance and desired remedy, a description of previous steps taken under non-binding procedures including mediation that have not resulted in agreement, and why you are seeking binding arbitration.

Name(s) of person(s) filing the grievance:

Name of entity on behalf of which the grievance was filed:

[Check here if you are filing as an individual ___]

Address:

City and State **Zip code**

Telephone Number daytime): **Cell phone (optional):**

E-mail address: **Fax number:**

Indicate ONE preferred method of contacting you:

___ Daytime phone ___ Cell phone ___ E-mail

___ Postal service ___ Other (specify)

On what date did you file the original grievance?

Request for Binding Arbitration, p 2

Please describe the previous steps taken under non-binding procedures, including mediation, that have not resulted in an agreement.

Why are you requesting binding arbitration?

Please provide any desired updated information about your grievance, how you were directly affected, and the desired remedy. (Use additional pages as needed.) If the information on your Grievance Intake Form and Request for Non-Binding Mediation is complete and still applies, please indicate that here.

I am requesting binding arbitration. I have been provided information about the process. I agree to meet specified deadlines for providing information and to participate in one or more sessions with the arbitrator. I agree to keep confidential any information shared during the arbitration process that is not public information, and understand that other parties must agree to the same requirements. ***I recognize and accept that the decision of the arbitrator will be final and agree that I/my organization will accept and be bound by it, as will the Planning Council.***

Signature: **Date:**

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Attachment 5:

Metropolitan Washington HIV Health Services Planning Council
Grievance with Planning Council as Respondent

Statement of Confidentiality
Grievance Review Panel, Planning Council Members & Staff

I, _____ declare that I had the following involvement in addressing Grievance # ____ against the Metropolitan Washington HIV/AIDS Planning Council:

___ Staff member receiving grievance form
___ Community Co-Chair or other Council member attempting informal resolution
___ Council member forming the grievance review panel
___ Grievance review panel member
___ Other (specify) _____

I agree that I will keep confidential and not share any confidential information about the grievance, grievant, or the resolution of this grievance against the Metropolitan Washington HIV/AIDS Planning Council. This means that I will not divulge the name or identifying information about the grievant or confidential information shared during the efforts to understand and resolve this grievance.

I recognize that that the Planning Council must receive a description of the grievance the public agreement reached and/or any areas of disagreement that were not resolved, in order to take appropriate action to avoid future grievances. I also understand that information about the event leading to the grievance that is already public can be shared.

I will maintain confidentiality and I will also help to ensure that others involved in the grievance process maintain confidentiality.

Signed: **Date:**

FINAL

Attachment 6:

Metropolitan Washington HIV Health Services Planning Council
Grievance with Planning Council as Respondent

Statement of Confidentiality
Grievant & Representative

I, _____ declare that I had the following involvement in addressing Grievance # ____ against the Metropolitan Washington HIV/AIDS Planning Council:

___ Grievant
___ Person Supporting Grievant
Other (specify) _____

I agree that I will keep confidential and not share any confidential information about the grievance, grievant, or the resolution of this grievance against the Metropolitan Washington HIV/AIDS Planning Council. This means that I will not divulge the name or identifying information about the grievant or confidential information shared during the efforts to understand and resolve this grievance.

I recognize that that the Planning Council must receive a description of the grievance the public agreement reached, any areas of disagreement that were not resolved, in order to take appropriate action to avoid future grievances. I also understand that information about the event leading to the grievance that is already public can be shared.

I will maintain confidentiality and I will also help to ensure that others involved in the grievance process maintain confidentiality.

Signed: **Date:**

FINAL