

**METROPOLITAN JACKSONVILLE AREA
HIV HEALTH SERVICES PLANNING COUNCIL
RYAN WHITE CARE ACT TITLE I**

PLANNING COUNCIL GRIEVANCE PROCEDURES

I. TYPES OF GRIEVANCES COVERED UNDER THESE PROCEDURES

Processes which are covered under these grievance procedures include the following:

- A. Deviations from an established, written priority setting or resource allocation process (e.g., failure to follow established conflict of interest procedures).
- B. Deviations from an established, written process for any subsequent changes to priorities or allocations.

The process of establishing priorities and allocation of funds to various service categories will be published and distributed prior to year's funding cycle.

II. PARTIES WHO MAY FILE A GRIEVANCE

Parties who may file a grievance against the Planning Council include individuals or entities directly affected by the outcome of a decision related to the funding process. Directly affected parties include the following:

- A. Providers eligible to receive Ryan White funding.
- B. Consumer groups/PLWH coalitions and caucuses.
- C. Planning Council members.
- D. Grantee.

III. GRIEVANCE PROCEDURE

All grievances related to the Planning Council's funding process must be filed no later than 10 working days after the initial occurrence of the grievous act. This ensures the continuity of the process and prevents the delay in providing needed services.

A. Initiation of Grievance Process

The purpose for this process is to review the initial grievance request for eligibility based on the criteria in Section I and Section II and to provide information to the grievant regarding the Planning Council's Grievance Procedures.

1. Individuals who may want to file a grievance will contact the Planning Councils administrative staff to obtain and complete the Statement of Funding Grievance Form within the specified 10-day timeframe. Staff will also provide a copy of the grievance procedures to the individual and answer any questions they may have regarding the process.
2. The Planning Council administrative staff will log in the grievance request. Data recorded include the date and time of initial contact; name, address, phone number and fax number of the individual; and the basic nature of complaint. An individual grievant file will be initiated to hold all correspondence and documentation.
3. Staff will determine if grievance request meets the eligibility criteria set forth in Sections I and II and make a preliminary determination within 2 days of receipt.
4. Written notification will be sent to the grievant that the grievance is accepted or rejected within two working days of determination of eligibility and a copy will be sent to the Grievance Committee Chairperson.
 - a. If the grievance is rejected, the letter must explain why the grievance was rejected and inform the grievant if they are not satisfied with the determination, they must contact the Grievance Committee Chairperson to appeal the decision made by the Planning Council's administrative staff.
 - b. If the grievance is accepted, the complaint will be forwarded to the Grievance Committee to review and to determine a remedy.

Initial Grievance Process Timeframe: Within 4 working days of receipt of request.

Cost: No associated costs of the review process will be borne by the grievant.

B. Grievance Committee Review

1. The Grievance Committee will meet and review the grievance request within 10 working days of receipt by the Chairperson of an eligible grievance or an appeal of eligibility determination. Location of the meeting will be arranged in accordance with the Government in the Sunshine Law.
2. The Grievance Committee's recommended resolution to the complaint will be sent to the grievant within 2 working days of the meeting.

3. With regards to an appeal of eligibility determination, if the Committee determines that the rejection of the complaint should stand, there is no further level of appeal. If the committee overturns the Planning Council's staff recommendation of ineligibility, the complaint will be processed as an eligible complaint as outlined in the above procedure.

Grievance Committee Review and Notification Timeframe: Within 12 working days of receipt by Chairperson.

Cost: No associated costs of the review process will be borne by the grievant.

C. Mediation

If a satisfactory resolution has not been achieved by the Grievance Committee, the grievant may elect to proceed to mediation with an independent facilitator. Mediation will be conducted by the Mediation Program, Fourth Judicial Circuit in Jacksonville on behalf of the EMA.

1. To initiate mediation, the grievant must complete the Statement of Funding Grievance Form within 5 days of receipt of the Grievance Committees response and specify on the form that he/she seeks mediation and include a \$500 cashiers check or money order.
2. Upon receipt, the Planning Council staff will log in the mediation request and contact the designated mediator and the Grievance Committee Chairperson to begin the mediation process.
3. The determination of a conflict of interest with the designated mediator will be performed by completing a conflict of interest disclosure form by the mediator and the parties to the grievance. If a conflict exists, another mediator will be selected by the Mediation Program's approved list of mediators.
4. A meeting will be held with the mediator and the parties to the grievance within 15 working days of the receipt of the filing of the mediation request. The meeting will be held at the mediator's facility unless another mutually agreed upon, neutral location is identified.
5. All individuals involved in the mediation process will be required to sign a confidentiality of proceedings form prior to the start of the meeting.
6. By the conclusion of the mediation meeting, a resolution is sought or a decision to not continue with mediation is made by the parties involved. A notification of the outcome of the mediation meeting will be sent within 5 working days of the meeting to both parties.
7. If the issue is not resolved through mediation, the Planning Council staff will provide a form to the grievant which explains what binding arbitration is, how to initiate binding arbitration and any costs which may be incurred.

Mediation Process Timeframe: Within 20 days of receipt of request for mediation.

Cost: A \$500 fee to initiate the process will be required from the grievant. No associated costs, including administrative costs, with the mediation process will be borne by the grievant if the Mediation Program is used as the mediator. If another mediator is chosen, the mediation expenses will be borne by the Planning Council Administration and the grievant equally. *Under no circumstances will associated mediation costs be borne unto the City of Jacksonville, other than the Ryan White CARE Act Title I Grant.*

D. Binding Arbitration

If a satisfactory resolution has not been achieved by the Mediation Program, the grievant may elect to proceed to binding arbitration with an independent facilitator. Binding Arbitration will be conducted by the Better Business Bureau of Northeast Florida, Inc., on behalf of the EMA.

1. To initiate binding arbitration, the grievant must complete the Statement of Funding Grievance Form within 5 days of receipt of the mediation outcome notification and specify on the form that he/she seeks binding arbitration and include a \$500 cashier's check or money order.
2. Upon receipt, the Planning Council staff will log in the binding arbitration request and contact the designated arbitrator and the Grievance Committee Chairperson to begin the arbitration process.
3. The determination of a conflict of interest with the designated arbitrator will be performed by completing a conflict of interest disclosure form by the arbitrator and the parties to the grievance. If a conflict exists, another arbitrator will be selected by the Better Business Bureau from their arbitration list.
4. A meeting or hearing will be held with the arbitrator and the parties to the grievance within 15 working days of the receipt of the filing of the arbitration request. The meeting will be held at the arbitrator's facility unless another mutually agreed upon, neutral location is identified.
5. All individuals involved in the arbitration process will be required to sign a confidentiality of proceedings form prior to the start of the arbitration process.
6. The decision of the arbitrator will be sent within 10 working days of the meeting or hearing between both parties.
7. The decision from binding arbitration is final.

Arbitration Process Timeframe: Within 25 days of receipt of request for arbitration.

Cost: A \$500 fee to initiate the process is required from the grievant. If the arbitrator determines that the decision is in favor of the grievant, the Planning Council will be responsible for the cost of the arbitration firm and other documented related costs of the grievant (e.g. attorney fees, staff time, etc). If the arbitrator determines that the decision is in favor of the Planning Council, the grievant will be responsible for the cost of the arbitration firm and other documented related costs of the Planning Council. ***Under no circumstances will associated costs be borne unto the City of Jacksonville, other than the Ryan White CARE Act Title I Grant.***

E. Funding of Projects After a Grievance Filed

The Planning Council Grievance Procedures address the process of prioritization and allocation of service categories as well as any deviation of established written procedures. The prioritization and allocation process begins well before the funding award process which allows time for affected parties to grieve the process before contracts are awarded.

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HIV HEALTH SERVICES PLANNING COUNCIL
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GRANTEE GRIEVANCE PROCEDURES

I. TYPES OF GRIEVANCES COVERED UNDER THESE PROCEDURES

Processes which are covered under these grievance procedures include the following:

- A. Deviations from the established contracting and awards process (e.g., the selection of a particular provider in a manner inconsistent with the Grantee's established procurement process).
- B. Deviations from the established process for any subsequent changes to the selection of contractors or awards.
- C. Contracts and awards not consistent with the Planning Council's established priorities (including any language regarding how to best meet those priorities) and resource allocations made by the council.

The Metropolitan Jacksonville Area Grantee is the City of Jacksonville. The City of Jacksonville has a well-established contracting and awards process which is used to award service contracts for the Title I program (see Appendix I).

II. PARTIES WHO MAY FILE A GRIEVANCE

Parties who may file a grievance against the Grantee include individuals or entities directly affected by the outcome of a decision related to the contracts and awards process. Directly affected parties include the following.

- A. Providers eligible to receive Ryan White funding.
- B. Consumer groups/PLWH coalitions and caucuses.
- C. Planning Council members.

III. GRIEVANCE PROCEDURE

All grievances related to the Grantee's deviation from the established contracting and awards process must be filed to the City of Jacksonville's Chief of Procurement and Supply no later than 2 working days after public notification of the funding decision.

The grievance process will follow the City of Jacksonville ' s bid protest procedures as attached in Appendix II. If the grievance is related to the issue that the contracts and awards were not consistent with the Planning Council's established priorities and resource allocations, the following grievance process applies.

A. Initial Grievance Process

The purpose for this process is to review the initial grievance request for eligibility based on the criteria in Section I.C and Section II and to provide information to the grievant regarding the Grantee's Grievance Procedures.

1. Individuals who may want to file a grievance will contact the Grantees designated administrative staff to obtain and complete the Statement of Funding Grievance Form within 2 days of the funding notification. Staff will also provide a copy of the grievance procedures and the City of Jacksonville contracts and awards procedures to the individual, and answers any questions they may have regarding the process.
2. The Grantee administrative staff will log in the grievance request. Data recorded include the date and time of initial contact; name, address, phone number and fax number of the individual; and the basic nature of complaint. An individual grievant file will be initiated to hold all correspondence and documentation.
3. Staff will determine if grievance request meets the eligibility criteria set forth in Sections I.C and II and make a preliminary determination within 2 days of receipt.
4. Written notification will be sent to the grievant that the grievance is accepted or rejected within two working days of determination of eligibility and a copy will be sent to the supervisor of the Grantee staff.
 - a. If the grievance is rejected, the letter must explain why the grievance was rejected and inform the grievant if they are not satisfied with the determination, they must contact the supervisor of the Grantee administrative staff to appeal the decision made by the administrative staff. If the supervisor determines that the rejection of the complaint should stand, there is not further level of appeal. If the supervisor overturns the staff recommendation of ineligibility, the complaint will be processed as an eligible complaint.
 - b. If the grievance is accepted, the complaint will be forwarded to the City of Jacksonville ' s Chief of Procurement and Supply. The supervisor's recommended resolution to the grievant will be sent within 5 working days.

Initial Grievance Process Timeframe: Within 10 working days of receipt of request.

Cost: No associated costs of the review process will be borne by the grievant.

B. Mediation

If a satisfactory resolution has not been achieved by the supervisor of the Grantees staff, the grievant may elect to proceed to mediation with an independent facilitator, the Mediation Program, Fourth Judicial Circuit, Jacksonville, Florida.

1. To initiate mediation, the grievant must complete the Statement of Funding Grievance Form within 5 days of receipt of the supervisor's notification and specify on the form that he/she seeks mediation and include a \$500 cashier's check or money order.
2. Upon receipt, the Grantees administrative staff will log in the mediation request and contact the designated mediator of the Mediation Program, Fourth Judicial Circuit and the City of Jacksonville's designated representative to begin the mediation process.
3. The determination of a conflict of interest with the designated mediator will be performed by completing a conflict of interest disclosure form by the mediator and the parties to the grievance. If a conflict exists, another mediator will be selected by the Mediation Program from its approved mediator's list.
4. A meeting will be scheduled with the mediator(s) and the parties to the grievance within 15 working days of the receipt of the filing of the mediation request. The meeting will be held at the mediator's facility unless another mutually agreed upon, neutral location is identified.
5. All individuals involved in the mediation process will be required to sign a confidentiality of proceedings form prior to the start of the meeting.
6. By the conclusion of the mediation meeting, a resolution is sought or a decision to not continue with mediation is made by the parties involved. A notification of the outcome of the mediation meeting will be sent within 5 working days of the meeting to both parties.
7. If the issue is not resolved through mediation, the Grantee administrative staff will provide a form to the grievant which explains what binding arbitration is, how to initiate binding arbitration and any costs which may be incurred.

Mediation Process Timeframe: Within 20 days of receipt of request for mediation.

Cost: A \$500 fee to initiate the process is required from the grievant. No associated costs with the mediation process will be borne by the grievant if the Mediation Program, Fourth Judicial Circuit is used as the mediator. If another mediator is chosen, the mediation expenses will be borne by the Planning Council Administration and the grievant equally. *Under no circumstances will*

associated costs be borne unto the City of Jacksonville, other than the Ryan White CARE Act Title I Grant.

D. Arbitration

1. To initiate binding arbitration, the grievant must complete the Statement of Funding Grievance Form within 5 days of receipt of the mediation outcome notification and specify on the form that he/she seeks binding arbitration and include a \$500 cashier's check or money order.
2. Upon receipt, the Grantee's staff will log in the binding arbitration request and contact the designated arbitrator and the City of Jacksonville's representative to begin the arbitration process.
3. The determination of a conflict of interest with the designated arbitrator will be performed by completing a conflict of interest disclosure form by the arbitrator and the parties to the grievance. If a conflict exists. Another arbitrator will be selected by the Better Business Bureau of Northeast Florida, Inc. from its approved arbitrator's list.
4. A meeting or hearing will be held with the arbitrator(s) and the parties to the grievance within 15 working days of the receipt of the filing of the arbitration request. The meeting will be held at the arbitrator's facility unless another mutually agreed upon, neutral location is identified.
5. All individuals involved in the arbitration process will be required to sign a confidentiality of proceedings form prior to the start of the arbitration process.
6. The decision of the arbitrator will be sent within 10 working days of the meeting or hearing between both parties.
7. The decision from binding arbitration is final.

Arbitration Process Timeframe: Within 25 days of receipt of request for arbitration.

Cost: A \$500 fee to initiate the process is required from the grievant. If the arbitrator determines that the decision is in favor of the grievant, the Grantee will be responsible for the cost of the arbitration firm and other documented related costs of the grievant (e.g. attorney fees, staff time).

If the arbitrator determines that the decision is in favor of the Grantee, the grievant will be responsible for the cost of the arbitration firm and other documented related costs of the Grantee.

Under no circumstances will associated costs be borne unto the City of Jacksonville, other than the Ryan White CARE Act Title I Grant.

E. Funding of Projects After a Grievance Filed

The City of Jacksonville ' s bid protest procedures allows grievances to be resolved in a timely manner prior to finalizing the contracts with the selected bidders. For grievances involving contracts and awards that are not consistent with the Planning Councils established priorities and resource allocations, funding awards will not be delayed. The grievance resolution may require retroactive application.