

OP-ISS-03: POLICY AND PROCEDURE ON GRIEVANCES

Updated 8/25/14

I. PURPOSE

The purpose of this policy is to promote service recipient rights by providing persons served and/or legal representatives with a simple process to address complaints or grievances.

II. POLICY

Each person served and/or legal representative will be encouraged and assisted in continuously sharing ideas and expressing concerns in informal discussions with staff and in support team meetings. Each concern or grievance will be addressed and attempts will be made to reach a fair resolution in a reasonable manner.

Should a person and/or legal representative feel an issue or complaint has not or cannot be resolved through informal discussion, they should file a formal grievance. Staff and persons served and/or legal representatives will receive training regarding the informal and formal grievance procedure. This policy will be provided, orally and in writing, to all persons served and/or legal representatives. If a person served and/or legal representative feel that their formal complaint has not or cannot be resolved by other staff, they may bring their complaint to the highest level of authority in the program, the Chief Executive Officer, who may be reached at the following:

Name: Armando Camacho, CEO
Address: 5500 Opportunity Court, Minnetonka, MN 55343
Telephone Number: 952-938-5511

The Designated Coordinator and/or Designated Manager (Director) will ensure that during the service initiation process that there is orientation for the person served and/or legal representative to the company's policy and procedure on addressing grievances. Throughout the grievance procedure, interpretation in languages other than English and/or with alternative communication modes may be necessary and will be provided upon request. If desired, assistance from an outside agency (i.e. ARC, MN Office of the Ombudsman) may be sought to assist with the grievance.

Persons served and/or legal representatives may file a grievance or complaint without threat or fear of reprisals, intimidation, discharge, or the loss of future provision of appropriate services and supports.

III. PROCEDURE

- A. All complaints affecting a person's health and safety will be responded to immediately by the Designated Coordinator and/or Designated Manager (Director).
- B. Direct support staff will immediately inform the Designated Coordinator and/or Designated Manager (Director) of any grievances and will follow this policy and procedure. If at any time, staff assistance is requested in the complaint process, it will be provided. Additional information on outside agencies that also can provide assistance to the person served and/or legal representative are listed at the end of this procedure.
- C. If for any reason a person served and/or legal representative chooses to use the formal grievance process, they will then notify in writing or discuss the formal grievance with the Designated Coordinator and/or Designated Manager (Director).
- D. When a formal grievance is made, the Designated Manager (Director) will initially respond in writing within 14 calendar days of receipt of the complaint.
- E. If the person served and/or legal representative is not satisfied with the Designated Coordinator and/or Designated Manager's (Director's) response, they may then notify in writing or discuss the formal grievance with the Chief Executive Officer, who will then respond within 14 calendar days.

- F. All complaints must and will be resolved within 30 calendar days of receipt of the complaint. If this is not

possible, the Chief Executive Officer will document the reason for the delay and the plan for resolution.

- G. If the person served and/or legal representative believe their rights have been violated, they retain the option of contacting the county's Adult or Child Protection Services or the Department of Human Services. In addition, persons may contact advocacy agencies (listed at the end of this policy) and state they would like to file a formal grievance regarding their services, provider company, etc.
- H. As part of the complaint review and resolution process, a complaint review will be completed by the Designated Manager (Director) and documented by using the *Internal Review* form regarding the complaint. The complaint review will include an evaluation of whether:
 - 1. Related policies and procedures were followed.
 - 2. The policies and procedures were adequate.
 - 3. There is a need for additional staff training.
 - 4. The complaint is similar to past complaints with the persons, staff, or services involved.
 - 5. There is a need for corrective action by the company to protect the health and safety of persons served.
- I. Based upon the results of the complaint review, the company will develop, document, and implement a corrective action plan designed to correct current lapses and prevent future lapses in performance by staff or the company, if any.
- J. A written summary of the complaint and a notice of the complaint resolution to the person served and/or legal representative and case manager will be provided by using the *Complaint Summary and Resolution Notice* form. This summary will:
 - 1. Identify the nature of the complaint and the date it was received.
 - 2. Include the results of the complaint review.
 - 3. Identify the complaint resolution, including any corrective action.
- K. The *Complaint Summary and Resolution Notice* will be maintained in the service recipient record.

IV. ADDITIONAL PROCEDURES

The following additional procedures will be taken for persons served under the Department of Employment and Economic Development (DEED):

- A. A grievance is defined as a claim or complaint that each person served and/or legal representative may bring, involving dissatisfaction with the program over an issue which Opportunity Partners has control, for example:
 - 1. The Extended Employment support plan.
 - 2. Access to employment in the community.
 - 3. The quality and effectiveness of employment support services.
- B. A person served may choose a representative or advocate to help with any or all the steps of the grievance procedure.
- C. If after following the grievance process outlined previously, the person served is not satisfied with the response to the grievance, or if no decision has been given within one month of filing the complaint, the person served may begin arbitration proceedings according to the following conditions:
 - 1. Opportunity Partners and the person served shall select a mutually acceptable arbitrator to hear and decide the grievance. In addition, the person served may arrange to have an advocate attend the arbitration proceedings on their behalf. If Opportunity Partners and the person served are unable to agree on an arbitrator, the person may request from the *American Arbitration Association* or the *Minnesota Bureau of Arbitration* a list of five names from which the arbitrator shall be selected. Those named must live in the local, seven-county metropolitan area. Each side shall alternately strike one name from the list of five names. The last remaining name shall serve as the arbitrator.

2. The arbitrator has the power to make a final and binding decision, except as limited below.
 - a. The arbitrator has no power to add to, or subtract from, or change any written personnel policy.
 - b. The arbitrator has no power to establish or change wages, nor change or establish any fringe benefits or supplementary compensation.
 - c. The arbitrator has no power to decide on any issue other than the specific issue or issues submitted by the person served or by Opportunity Partners.
 - d. The arbitrator has no authority to decide any question which is in the right of management to decide. Opportunity Partners has the right to decide its overall budget, how it uses technology, its organizational structure, and the selection, direction, and number of personnel. There may be some conditions to these rights in Opportunity Partners written personnel policies.

D. Copies of any grievance proceedings and decisions shall be made part of the person's record. The arbitrator's decision shall be in writing, will set forth the findings of fact, and the reasons for the decision. Copies of the decision will be delivered to each party within 30 days after the hearing. Grievances may be appealed to the State of Minnesota at:

Department of Employment and Economic Development (DEED)
1st National Bank Building
332 Minnesota Street, suite E200
St. Paul, MN 55101-1531
651-297-1291; 800-657-3858, 888-GET-JOBS
TTY/TDD 651-296-3900

E. The following is how arbitration expenses will be assessed:

1. If the arbitrator finds in favor of Opportunity Partners, the person served may be required to pay up to 50% of the arbitration costs; however, in no event will the person served be required to pay the costs of arbitration unless their income and resources are such that the person served could reasonably be expected to bear a portion. Prior to beginning arbitration, the costs of arbitration will be discussed by all parties. Opportunity Partners does not want the cost of arbitration to in any way discourage people from pursuing resolution to their concern. Opportunity Partners staff will not take action against the person served or limit their services because of the person served filed a grievance.
2. Opportunity Partners will pay the arbitration costs if the arbitrator finds in favor of the person served.
3. The allocation of fees and expenses will be made by the arbitrator.

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STATE AND COUNTY ADVOCACY AGENCIES

COUNTY	CHILD PROTECTION	CHILD PROTECTION AFTER HOURS	COMMON ENTRY POINT	COMMON ENTRY POINT AFTER HOURS
AITKIN	(218) 927-7200 (800) 328-3744	(218) 927-7400	(218) 927-7200 (800) 328-3744	(218) 927-7400
ANOKA	(763) 422-7215	(763) 427-1212	(763) 422-7168	(651) 792-3022 Non-Secure Program
BECKER	(218) 847-5628	(218) 847-2661	(701) 235-3620	(701) 235-3620
BELTRAMI	(218) 333-4223	(218) 751-9111	(218) 333-4223	(218) 751-9111
BENTON	(320) 968-5087	(320) 968-7201	(320) 968-5087	(320) 968-7201
BIG STONE	(320) 839-2555	(320) 815-0215	(320) 839-3558	(320) 839-3558
BLUE EARTH	(507) 304-4111	(507) 625-9034	(507) 304-4319	(507) 625-9034
BROWN	(507) 354-8246	(507) 233-6720	(507) 354-8246	(507) 233-6720
CARLTON	(218) 879-4583	(218) 384-3236	(218) 879-4511	(218) 384-4185
CARVER	(952) 361-1600	(952) 442-7601	(952) 361-1600	(952) 226-1483
CASS	(218) 547-1340	(218) 547-1424	(218) 547-1340	(218) 547-1424
CHIPPEWA	(320) 269-6401	(320) 269-2121	(320) 269-6401	(320) 269-2121
CHISAGO	(651) 213-5600	(651) 257-4100	(651) 213-0324	(651) 213-5617
CLAY	(218) 299-5200	(218) 299-5151	(218) 299-5200	(218) 299-5171
CLEARWATER	(218) 694-6164	(218) 694-6226	(218) 694-6226	(218) 694-6226
COOK	(218) 387-3620	(218) 387-3030	(218) 387-3620	(218) 387-3030
COTTONWOOD	(507) 831-1891	(507) 831-1375	(507) 831-1891	(507) 831-1375
CROW WING	(218) 824-1140	(218) 829-4740	(218) 824-1140	(218) 829-4749
DAKOTA	(952) 891-7480	(952) 891-7171 Crisis Line	(651) 554-6000	(952) 891-7171 Crisis Line
DODGE	(507) 635-6170	(507) 635-6200	(507) 635-6170	(507) 635-6200
DOUGLAS	(320) 762-2302	(320) 762-8151	(320) 762-2302	(320) 762-8151
FARIBAULT	(507) 526-3265	(507) 526-5148	(507) 526-3265	(507) 526-5148
FILLMORE	(507) 765-2175	(507) 765-3874	(507) 765-2175	(507) 765-3874
FREEBORN	(507) 377-5400	(507) 377-5205	(507) 377-5400	(507) 377-3081 (507) 373-2940
GOODHUE	(651) 385-3232	(651) 385-3155	(651) 385-3000	(612) 385-3155
GRANT	(218) 685-4417	(800) 797-6190	(218) 685-4417	(218) 685-5303
HENNEPIN	(612) 348-3552	(612) 348-3552 (Select Option 1)	(612) 348-8526	(612) 348-8526
HOUSTON	(507) 725-5811	(507) 725-3379	(507) 725-5811	(507) 725-3379
HUBBARD	(218) 732-1451	(218) 732-3331	(218) 732-1451	(218) 732-3331
ISANTI	(763) 689-1711	(763) 689-2141	(763) 689-8146	(763) 689-2141
ITASCA	(218) 327-2941	(218) 326-8565	(218) 327-2941	(218) 327-2941
JACKSON	(507) 847-4000	(507) 847-4420	(507) 847-4000	(507) 847-4420
KANABEC	(320) 679-6350	(320) 679-8400	(320) 679-6350	(320) 679-2141
KANDIYOHI	(320) 231-7800	(320) 235-1260	(320) 231-6232	(320) 235-2244
KITSON	(218) 843-2689	(218) 843-3535	(218) 843-2689 (800) 672-8026	(218) 843-3535
KOOCHICHING	(218) 283-7000	(218) 283-4416	(218) 283-7000	(218) 283-4416
LAC QUI PARLE	(320) 598-7594	(320) 598-3720	(320) 598-3720	(320) 598-3720

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LAKE	(218) 834-8400	(218) 834-8385	(218) 834-8401	(218) 834-8385
LAKE OF THE WOODS	(218) 634-2642	(218) 634-1143	(218) 634-2642	(218) 634-1143
LE SUEUR	(507) 357-8288	(507) 357-8545	(507) 357-8288	(507) 357-2251
LINCOLN	(800) 810-8816	(507) 694-1664	(507) 532-6241 (800) 657-3811	(507) 694-1664
LYON	(800) 657-3760	(507) 537-7666	(507) 532-6241 (800) 657-3811	(507) 537-7000
MAHNOMEN	(218) 935-2568	(218) 935-2255	(218) 935-2568	(218) 935-2255
MARSHALL	(218) 745-5124	(218) 745-5411	(218) 745-5124	(218) 745-5411
MARTIN	(507) 238-4757	(507) 238-4481	(507) 526-3265	(507) 526-5148
MC LEOD	(320) 864-3144	(320) 864-3134	(320) 864-3144	(320) 864-3134
MEEKER	(320) 693-5300	(320) 693-5400	(320) 693-5300	(320) 693-5400
MILLE LACS	(320) 983-8208	(320) 983-8250	(320) 983-8208	(320) 983-8257
MORRISON	(320) 632-2951	(320) 632-9233	(320) 632-2951	(320) 632-9233
MOWER	(507) 437-9700	(507) 437-9400	(507) 437-9700	(507) 437-9400
MURRAY	(800) 657-3811	(507) 836-6168	(507) 352-6241 (800) 657-3811	(507) 836-6168
NICOLLET	(507) 386-4528	(507) 931-1570	(507) 934-8559	(507) 931-1570 (800) 247-5044
NOBLES	(507) 295-5213	(507) 372-2136	(507) 372-2157	(507) 372-2136
NORMAN	(218) 784-5400	(218) 784-7114	(218) 784-5400	(800) 422-0863
OLMSTED	(507) 328-6400	(507) 328-6583	(507) 328-6400	(507) 281-6248
OTTER TAIL	(218) 998-8150	(218) 998-8555	(218) 998-8150	(218) 998-8555
PENNINGTON	(218) 681-2880	(218) 681-6161	(218) 683-4350	(218) 683-4350
PINE	(320) 591-1570	(320) 629-8380	(800) 450-7263	(800) 629-3930
PIPESTONE	(507) 825-6720	(507) 825-6792	(507) 825-6700	(507) 825-6700
POLK	(218) 281-8483	(218) 281-0431	(218) 281-3127	(218) 281-0431
POPE	(320) 634-5750	(320) 634-5411	(320) 634-5750	(320) 634-5411
RAMSEY	(651) 266-4500	(651) 291-6795	(651) 266-4012	(651) 291-6795 Emergency Social Services
RED LAKE	(218) 253-4131	(218) 253-2996	(218) 253-4131	(218) 253-2996
REDWOOD	(507) 637-4050	(507) 637-4036	(507) 637-4050	(507) 637-4036
RENVILLE	(320) 523-2202	(320) 523-1161	(320) 523-2202	(320) 523-1161
RICE	(507) 332-6115	(507) 210-8524	(507) 332-6115	(800) 422-1286
ROCK	(507) 283-5070	(507) 283-5000	(507) 283-5070	(507) 283-5000
ROSEAU	(218) 463-2411	(218) 463-1421	(218) 463-2411	(218) 463-1421
SCOTT	(952) 445-7751	(651) 291-4680	(952) 445-7751	(952) 496-8484
SHERBURNE	(763) 241-2600	(763) 765-3500 Sheriff's Dept	(763) 765-4000	(763) 765-3595 Sheriff's Dept
SIBLEY	(507) 237-4000	(507) 237-4330	(507) 237-4000	(507) 237-4330
ST. LOUIS	N. (218) 749-7128 S. (218) 726-2012	N. (218) 749-6010 S. (218) 727-8770	(218) 726-2164 (800) 450-9777	(218) 726-2164 (877) 474-4290
STEARNS	(320) 656-6225	(320) 251-4240	(320) 656-6000	(320) 656-6000
STEELE	(507) 444-7500	(507) 444-3800	(507) 444-7500	(507) 451-8232
STEVENS	(320) 589-7400	(320) 589-2141	(320) 589-7400	(320) 589-2141
SWIFT	(320) 843-3160	(320) 843-3133	(320) 843-3160	(320) 843-3133
TODD	(320) 732-4500	(320) 732-2157	(320) 732-4500	(320) 732-2157
TRAVERSE	(320) 563-8255	(320) 563-4244	(320) 563-8255	(320) 563-4244
WABASHA	(651) 565-3351	(651) 565-3361	(651) 565-3351	(651) 565-3361
WADENA	(218) 631-7605	(218) 631-7600	(218) 631-7605	(218) 631-7600

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WASECA	(507) 835-0560	(507) 835-0500	(507) 835-0560	(507) 835-0500
WASHINGTON	(651) 430-6457	(651) 291-6795	(651) 430-6484	(651) 291-6795
WATONWAN	(507) 375-3294	(507) 507-3121	(507) 375-3294	(507) 375-3121
WILKIN	(218) 643-8013	(218) 643-8544	(218) 643-8013	(218) 643-8544
WINONA	(507) 457-6200	(507) 457-6368	(507) 457-6200	(507) 457-6368
WRIGHT	(763) 682-7449	(763) 682-1162	(763) 682-7400	(763) 490-8569
YELLOW MEDICINE	(320) 564-2211	(320) 564-2130	(320) 564-2211	(320) 564-2130
ARC MN	(651) 523-0823 (800) 582-5256	770 Transfer Road, Suite 26, St. Paul, MN 55114 www.thearcofminnesota.org mail@arcmn.org		
ARC Greater Twin Cities	(952) 920-0855	2446 University Ave W, Suite 110, St. Paul, MN 55114 www.arcgreatertwincities.org info@arcgreatertwincities.org		
ARC Northland	(218) 726-4725	424 W Superior St Ste 201, Duluth, MN 55802 www.arcnorthland.org cbourdage@arcnorthland.org		
Disability Law Center/Legal Aid Society	(612) 332-1441	430 1 st Ave North, Minneapolis, MN 55401 www.mndlc.org website@mylegalaid.org		
MN DHS Department of Licensing	(651) 431-6500	444 Lafayette Road, St. Paul, MN 55115 www.mn.gov/dhs/general-public/licensing/ dhs.info@state.mn.us		
MN Office of the Ombudsman for MH/DD	(651) 757-1800 (800) 657-3506	121 7 th Place East, Suite 420, Metro Square Building, St. Paul, MN 55101 www.ombudmhdd.state.mn.us ombudsman.mhdd@state.mn.us		
MN Office of the Ombudsman for Long-Term Care	(651) 431-2555 (800) 657-3591	P.O. Box 64971, St. Paul, MN 55164 www.dhs.state.mn.us/main dhs.info@state.mn.us		