

ATLANTA EMA GRIEVANCE PROCEDURES

PURPOSE:

The purpose of this grievance process is to establish and codify a system of conflict resolution/ dispute resolution that will give clients (and potential clients), providers, Planning Council Members, the Grantee, and others an equitable mechanism for resolving complaints and grievances within the Ryan White CARE Act Title I delivery system and for appealing decisions of the Council and/or the Grantee.

It shall be the policy of the Planning Council to attempt to resolve grievances regarding Council decisions or actions and/or Grantee decisions or actions through both informal and formal dispute mechanisms, including appropriate use of Council Committees, Grantee staff, facilitated mediation and, if necessary, binding arbitration.

PRE-DISPUTE/PREVENTATIVE MECHANISMS

The Planning Council and the Grantee have undertaken numerous efforts to ensure that all processes and procedures are as open and fair as possible to minimize the need for accessing more formalized conflict resolution. Furthermore, various other processes have been standardized and formalized in the belief that by adhering to recognized processes, the need for an individual to file a grievance is lessened. These processes and initiatives include:

Open Meetings:

All activities of the Planning Council and its committees, caucuses, and task forces are undertaken during open meetings in accordance with state and local law. In these meetings, any individual may request that items of interest or concern to the individual be added to the meeting agenda and addressed during the meeting. Furthermore, each Planning Council meeting allows time for a Public Forum during which any individual may introduce issues of importance or concern. While it may be necessary in some instances to limit the individuals who actually vote during a particular process, most Council processes (with the exception of the allocation process during which comments are restricted to members of the Outside Review Committee and staff) allow that any and all individuals in attendance have the right and the opportunity to ask questions, provide comments, and to have concerns addressed.

Diverse Representation/Efforts for Inclusion:

The Planning Council and the Grantee have worked collaboratively to ensure that the Council is comprised of a broad spectrum of individuals who have been impacted by the HIV epidemic. Great care has been taken to ensure that the Council Membership is inclusive of the various populations affected and infected by the HIV epidemic. In addition, the Chair of the Council has endeavored to ensure that each of the standing committees of the Council also reflect the diversity of our community.

In an effort to further ensure that every voice may be heard, the Council has developed a system of Caucuses which are designed to ensure that the various affected populations have a vehicle in which

they may address issues of particular concern to their community. Each Caucus elects a representative to be a Voting Member of the Planning Council. The Caucus representatives are asked to express the positions of, and vote on behalf of, the particular population they represent.

In addition, the Planning Council has allocated \$10,000 in administrative funding to provide for diversity training for Members. It is hoped that by undertaking this proactive approach, future issues of conflict might be avoided.

Membership Nomination/Appointment Process:

An open process, as described elsewhere in the By-Laws and Standard Operating Procedures, is used for the nomination and appointment of Planning Council Members. This process is designed to ensure that applicants for membership are evaluated by a standardized and publicized process and to create a system which is fair and equitable.

Conflict of Interest:

The Council has adopted rules related to Conflict of Interest which govern the actions of Planning Council Members. These rules dictate that:

“A member or alternate shall disclose any relationship with an applicant for, or recipient of, supplemental or formula grant funds under Title I of the Ryan White CARE Act which would reasonably be expected to exert an influence on the member's or alternate's judgement if the member or alternate were called upon to vote on the allocation, award, or disposition of such grant funds.”

Financial Issues:

The process used by the Grantee for soliciting and awarding contracts has been formalized in writing and incorporated into the Standard Operating Procedures.

The Council and the Grantee have established, written processes for managing any changes to priorities, allocations, and selection of contractors or awards.

Site Visits:

In an effort to provide timely opportunity for funded providers to address potential concerns with the actions of the Planning Council and/or the administrative agency (Grantee), opportunities for discussion are provided in each of the quarterly site visits held with the agencies. In addition, the Evaluations Committee of the Planning Council meets with each of the funded agencies to discuss and address any issue the agency might be having with the administrative process.

Orientation Session:

Each year, an orientation session is held with new Planning Council Members so that they might be fully aware of the processes and procedures followed by the Council and so that they may be knowledgeable of their roles and responsibilities and the various avenues which exist for them to have influence on the processes.

Agency Grievance Procedures:

In the Atlanta EMA, each agency funded under Ryan White CARE Act Title I is contractually required to have client grievance procedures in place and must have a process for informing clients

of the existence of grievance procedures of the Metropolitan Atlanta HIV Health Services Planning Council. In addition, many of the EMA's service providers have adopted "client rights statements" which are provided to all clients. This process must be in place by the end of the first quarter of the contract period. The agency is required to include, in each monthly progress report, a summary of any complaint filed under this process as well as current status of and final disposition of any complaint.

Client Satisfaction Surveys:

In the Atlanta EMA, each agency funded under Ryan White CARE Act Title I is contractually required to undertake client satisfaction surveys. These surveys are another means of identifying problems or concerns overall, as well as for specific types of services, providers or communities.

Task Forces:

When issues of overarching concerns are presented by the Planning Council, action has been taken to create Council Task Forces to address the items. For example, issues surrounding the EMA's case management system have been raised by the Council. As a result, a Case Management Task Force has been convened. The Task Force affords concerned parties the opportunity to participate in the review and assessment of the system and to make recommendation for action.

Informal Dispute Resolution:

Ryan White staff are available to meet with any concerned individual to provide for early, informal intervention and resolution of problems. Ryan White staff will make every attempt to call together all parties involved in a purported dispute in an effort to informally address the issues of concern.

FORMALIZED DISPUTE RESOLUTION MECHANISMS

Despite the numerous preventative mechanisms in place, the Planning Council and the Grantee recognize the benefit of having a documented procedure in place to formally address grievances of individuals or organizations affected, directly or indirectly, by decisions of the Planning Council and/or the Grantee. Thus, pursuant to the recommendation of HRSA, the requirements of the CARE Act, and to fulfill any obligation as set forth in the EMA's Long Range Comprehensive Plan, the Metro Atlanta HIV Health Services Planning Council and the Grantee have adopted the following grievance procedures.

GUIDING REGULATIONS/PRINCIPLES:

- I) The Planning Council and the Grantee recognize and appreciate the necessity for the adoption of dispute resolution mechanisms which serve to protect the fairness and equity of the actions and activities of the Planning Council and the Grantee.

- II) While recognizing the necessity and the importance of the grievance process in ensuring the fair and equitable practices of the Planning Council and the Grantee, the role of the dispute resolution process must be weighed and counterbalanced against the priorities of the Planning Council and the Grantee to ensure that processes and procedures are enacted in a timely fashion so that the vitally important CARE Act funds are distributed in an effective manner to provide the uninterrupted continuation of the continuum of care supported by these funds. Toward that end, the work and business of the Planning Council (and its Committees, Task Forces, and Caucuses), of the agencies funded under this Title I program, and of the grantee, shall not be ceased during the period in which the dispute resolution process is undertaken.
- III) In no event shall a remedy reached by the Mediation Panel(s) and/or the Arbitrator require the payment of funds to an individual.
- IV) Conflict of Interest: Any individual involved in the consideration of a grievance under these provisions shall disclose any relationship with the entities involved in the grievance which would reasonably be expected to exert an influence on the individual's judgement if he or she were called upon to vote on the disposition of the grievance. This position is further supported by Article XI, Section 2, Part D of the By-Laws, which states that: "a Planning Council member who has an identified conflict of interest on a specific issue will abstain from voting on that specific issue. This provision shall apply to all actions undertaken by the Planning Council and/or its committees, subcommittees, advisory or ad hoc committees, and task forces."
- V) To assist in the understanding of the basis for Council and Grantee actions, written documentation regarding the Council's and the Grantee's procedures, particularly those related to the prioritization of services, allocation of funds, and vendor selection, shall be provided as part of the Council's informal dispute mechanism.

Upon the initiation of any formal action of grievance, all parties will be provided a copy of these procedures by the Secretary to the Planning Council. Attention should be brought to the time limits contained herein.

- VI) The confidentiality of any grievant will be protected throughout the dispute resolution process. In the event that a grievance is filed by a client of one of the Ryan White funded providers, and agency files related to the client are determined to be a necessary to facilitate the dispute resolution, the grievant will be asked to sign a release form (Attachment 2).
- VII) All parties to the mediation/arbitration process will be required to sign an acknowledgment form (Attachment 1) that they are bound by law to protect the confidentiality of the disputants and will not discuss the case with others.

MEDIATION PROCESS

Mediation is an effort to bring both parties (the grievant and the respondent) together to reach a resolution which is agreeable to each. Mediation is not intended to “find fault” with either party, but is simply a facilitated process to try to resolve problems in communication and process.

*To interpose between parties as the equal friend of each; to negotiate between persons at variance with a view to reconciliation.*¹

Mediators help people involved in a dispute talk with each other about the conflict so each party can better understand why the conflict exists. As the facts and circumstances concerning the dispute are brought into the open, the Mediator works with the parties to help discover ways the conflict can be resolved.

The Planning Council and Grantee have adopted procedures which allow for two types of mediation:

- Council Mediation -- through the use of the Planning Council and Grantee structure.
- Third Party Mediation -- through the use of a neutral third party from outside the Planning Council and Grantee structure.

ARBITRATION PROCESS

Within the constraints of State Law, Council procedures allow for binding third-party arbitration as appropriate. Arbitration is an adjudication by outside parties when mediation fails. Arbitration may be defined as the hearing and determination of cause between parties in controversy, by a person or persons chosen by the parties.²

AUTHORITY:

- I) The Mediation Panel(s) and Arbitration Panel shall have the authority to determine whether:
 - A) the Planning Council or Grantee has acted outside the scope of its jurisdiction (e.g., taking actions not authorized under the Ryan White CARE Act, Council By-Laws, Standard Operating Procedures, or other policies and procedures);
 - B) there was a fair consideration of the grievance/issue of concern though the Council's processes; and,
 - C) there was abuse of discretion. An abuse of discretion is established if the grievant

¹The New Webster Encyclopedic Dictionary of the English Language, Thatcher, Virginia S., Editor in Chief, Consolidated Book Publishers, Chicago, 1971.

² Ibid.

demonstrates that:

- i) the Planning Council or Grantee has proceeded in a manner that violates the Ryan White CARE Act, Council By-Laws, Standard Operating Procedures, or other policies and procedures;
- ii) the Council or Grantee failed to articulate the reason for its decision; or,
- iii) there were no facts presented to the Planning Council or Grantee which would reasonably support its decision.

II) Determination of error:

- A) If the Arbitration Panel determines that the Council acted outside the scope of its jurisdiction, failed to give fair consideration of the grievance, or committed an abuse of discretion, the panel shall remand the matter back to the Council with the directive that it vacate its prior decision and take action consistent with the panel's decision.
- B) Settlements reached may be either prospective (which shall result in a revision of process in the future, but shall not result in required reversal of approved expenditure) or retroactive in its application.
- C) The agreement(s) of the Mediation Panels and/or decision of the Arbitration Panel shall not limit or control in any way the discretion legally vested in the Council or grantee in matters not associated with the issue at hand.

SCOPE:

The requirements of the CARE Act and the policies of HRSA require that grievance procedures be established to address grievances related to funding. At a minimum, grievance procedures must address decisions regarding and/or a failure to follow:

- (1) Needs assessment process (applies to the Planning Council).
- (2) Comprehensive planning process (applies to the Planning Council).
- (3) Priority setting process (applies to the Planning Council).
- (4) Allocation of funds to service categories (applies to Planning Council).
- (5) Process used to select particular service providers (applies to Grantee).

In addition, the Planning Council has determined that the following additional areas shall be grievable under this process:

- (1) Deviations from established, written policies of the Planning Council (e.g., failure to follow established conflict of interest procedures -- applies to Planning Council and Planning Council Members).
- (2) Deviations from an established, written process for any subsequent changes to priorities, allocations, selection of contractors or awards (applies to Grantee)
- (3) Contract and award changes not consistent with priorities and resource allocations made by Council (applies to Grantee).

At least one of the following criteria must form the basis of the grievance:

- (1) Irregularity in the process.
- (2) Inconsistency with findings of fact.

Determination of Scope:

Planning Council:

In grievances related to the decisions or actions of the Planning Council, the CEO shall determine if the issue proposed for consideration is within the scope of these procedures.

Grantee:

In grievances related to the decisions or actions of the Grantee, the Council Chair, in coordination with the Council Co-Chairs, shall determine if the issue proposed for consideration is within the scope of these procedures. Should a difference of opinion exist among the Chair and the two Co-Chairs, the majority opinion shall prevail.

Planning Council &/or Grantee:

If it is determined that the issue proposed for consideration is **not** within the scope of these procedures, the grievant may request reconsideration by the Executive Committee at the next regularly scheduled meeting following the original determination. The determination of the Executive Committee shall be presented at the next regularly scheduled Planning Council Meeting for consideration of the full Planning Council. The determination of the full Planning Council shall be final. Should the grievant fail to make a request for reconsideration to the Executive Committee at the next regularly scheduled meeting following the original determination, the grievant forfeits that right and the original determination shall stand.

STANDING:

The requirements of the CARE Act and the policies of HRSA require that these grievance procedures allow, at a minimum, the following individuals and entities to bring a grievance against the Planning Council and/or the Grantee:

- (1) Members of the Planning Council (either as individuals or as groups of individuals).
- (2) Service providers affected by a process of the Planning Council and/or Grantee.
- (3) Consumer groups and/or PLWH/A coalitions affected by a process of the Planning Council and/or Grantee.
- (4) Other affected individuals as determined locally. For the Atlanta EMA, it has been determined that:
 - (A) clients and potential consumers of services provided through the use of funding awarded under the CARE Act may also have standing to grieve.
 - (B) members of Caucuses of the Planning Council (who may not be Members of the Planning Council) may also have standing to grieve.

Determination of Standing:

Planning Council:

In grievances related to the decisions or actions of the Planning Council, the CEO shall determine if the grievant has standing under these procedures.

Grantee:

In grievances related to the decisions or actions of the Grantee, the Council Chair, in coordination with the Council Co-Chairs, shall determine if the grievant has standing under these procedures. Should a difference of opinion exist among the Chair and the two Co-Chairs, the majority opinion shall prevail.

Planning Council &/or Grantee:

If it is determined that the individual does **not** have standing under these procedures, the grievant may request reconsideration by the Executive Committee at the next regularly scheduled meeting following the original determination. The determination of the Executive Committee shall be presented at the next regularly scheduled Planning Council Meeting for consideration of the full Planning Council. The determination of the full Planning Council shall be final. Should the grievant fail to make a request for reconsideration to the Executive Committee at the next regularly scheduled meeting following the original determination, the grievant forfeits that right and the original determination shall stand.

GRIEVANT V. PLANNING COUNCIL

Grievant v. Planning Council:

Three options exist for formalized dispute resolution under these procedures. These options are listed in order of the sequence which must be followed:

A) Council Mediation Process:

- 1) The grievant shall request the “Submission of Grievance to Dispute Resolution” form from the Secretary of the Planning Council who shall also serve as the receiving authority under this process. The Secretary (who serves as the Associate to the Chairman, Board of Commissioners of Fulton County) may be contacted at the following location:

Fulton County Government Center
141 Pryor Street, SW
Suite 10032
Atlanta, GA 30303
404/730-8204

- 2) To be considered, the completed “Submission of Grievance to Dispute Resolution” form must be submitted to the receiving authority within ten (10) business days of the Planning Council decision.
- 3) Upon receipt of a completed “Submission of Grievance to Dispute Resolution” form, the Secretary shall certify by signature the date and time the form was filed and shall provide the grievant with a copy of the certified form.
- 4) The Secretary shall provide a copy of the form to the respondent. If the grievance is against the Planning Council as a whole, the respondent shall be the Chair of the Planning Council. If the grievance is against a Committee, Task Force, or Caucus of the Planning Council, the respondent shall be the Chair of that Committee, Task Force, or Caucus.
- 5) The respondent shall have five (5) business days to sign the form and to return the signed form to the Secretary. Failure of the respondent to sign the form will not terminate the process. However, should the grievance be approved for dispute resolution, the reviewing body will be informed of the respondent’s failure or refusal to facilitate this process. This information may be used by the reviewing body in considering the willingness of the respondent to resolve the grievance.
- 6) The Secretary shall forward the forms to the CEO, within two (2) business days of either the receipt of the signature of the respondent or the close of the respondent’s 5 day response period.
- 7) The CEO shall review the request for dispute resolution and shall, within five (5) business days, determine if:

- a) the grievant has standing under these procedures; and,
 - b) the issue proposed for consideration is within the scope of these procedures
- 8) If both conditions (7a) and (7b) are affirmed, within five (5) business days of the determination, the CEO shall:
- a) provide written notice to the grievant and the respondent of the determination to proceed;
 - b) obtain “Client Information Release Forms” as necessary to facilitate the process; and,
 - c) forward a copy of the “Submission of Grievance to Dispute Resolution” form to the appropriate dispute resolution body with the directive to commence action within thirty (30) calendar days of receipt of the CEO’s directive to proceed.
- 9) The following steps would then be followed:
- a) The form and the directive shall be sent to the Chair of the Council Procedures Committee.³
 - b) The Chair of the Council Procedures Committee will notify the Chair of the Planning Council of the filing of a request for resolution of a grievance.
 - c) The Chair of the Council Procedures Committee shall identify four (4) Committee members to serve as the Mediation Panel.
 - d) Within thirty (30) calendar days the Chair of the Council Procedures Committee shall convene a dispute resolution hearing. The Secretary of the Planning Council shall assist the Chair in determining a date and a site for the hearing.
 - The hearing shall be closed to the public and shall only be attended by the following:
 - * the grievant(s) and those individuals identified by the grievant as necessary to support his or her position;
 - * the respondent(s) and those individuals identified by the respondent as necessary to support his or her position ;

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In the event that a grievance is filed against the Council Procedures Committee, the CEO shall instead send the form and the directive to the Chair of the Planning Council who shall establish a Mediation Panel of the Chairs of the other Committees. The Chair of the Planning Council may serve as the Chair of the Mediation Panel or may name a chair. In either event, the chair of the Mediation Panel shall have the same powers and duties as described above.

- * the 5 members of the Mediation Panel;
 - * neutral third parties that the Mediation Panel has determined to have information or perspectives which might assist in the proceedings; and,
 - * the Secretary of the Planning Council who shall be responsible for the recording of any disposition of the grievance.
- e) The Chair of the Procedures Committee shall serve as the Chair of the Mediation Panel. Among other duties, the Chair shall be responsible for:
- * ensuring the fairness of the hearing;
 - * having all parties sign the appropriate confidentiality forms;
 - * setting the time limit for the presentation of issues from the grievant and the respondent;
 - * directing the Secretary to electronically record the proceedings, as appropriate; and,
 - * deciding who may remain in the hearing room during each part of the mediation session.
- f) The format to be followed is:
- * Each side describes the incident from its own perspective (the grievant shall present first);
 - * Each party shall be encouraged to view the incident from the other side's perspective; and,
 - * The Mediation panel will help the parties discuss the disagreement and assist the parties in reaching a mutually acceptable resolution of the complaint.
- g) The Mediation Panel does not have the authority to impose a settlement on the parties but will attempt to help the parties reach a satisfactory resolution of their dispute.
- h) The Mediation Panel is authorized to end the mediation whenever, in the judgement of the panel, further efforts at mediation would not contribute to a resolution of the dispute between the parties.
- i) The Mediation Panel is authorized to conduct joint and separate meetings with the parties and to make oral and written recommendations for settlement.
- j) If the mediation is successful, a confidential summary of the case will be forwarded to the CEO who will provide blinded (complainant names removed) summaries to the Executive Committee. The agreement shall be

written by the Mediation Panel with the help of the parties, and shall be signed by all parties in the dispute.

If no resolution is forthcoming from this or any subsequent meeting(s), within 15 days of the consultation, a solution will be devised by the Mediation Panel and a recommendation for resolution shall be presented in Executive Session of the Executive Committee for official recommendation to the Chief Elected Official for decision and action.

B) Outside Party Mediation Process:

Upon exhaustion of remedies stated above, if either the grievant or the entity against which the original grievance was filed remains unsatisfied with the decision rendered, either may file an application for non-binding mediation.

1 - 8) Steps 1 through 8 shall be the same as stated above.

9) The CEO shall name a Neutral Outside Party Mediation Panel. This panel shall be comprised of:

- One (1) neutral individual from Fulton County Government, knowledgeable of health services for persons with HIV and familiar with the procedures and requirements of the Ryan White CARE Act;
- One (1) neutral individual from DeKalb County Government, knowledgeable of health services for persons with HIV and familiar with the procedures and requirements of the Ryan White CARE Act;
- One (1) neutral individual who is Living with HIV/AIDS, knowledgeable of health services for persons with HIV and familiar with the procedures and requirements of the Ryan White CARE Act.

10) The CEO shall name one of the three Mediation Panel members to serve as the Chair of the panel. The "Submission of Grievance to Dispute Resolution" form and the CEO's directive shall be sent to the Chair of the Neutral Outside Party Mediation Panel.

11) Among other duties, the Chair of the Neutral Outside Party Mediation Panel shall be responsible for:

- * notifying the Chair of the Planning Council of the filing of a request for resolution of a grievance;
- * ensuring the fairness of the hearing;
- * having all parties sign the appropriate confidentiality forms;
- * setting the time limit for the presentation of issues from the grievant and the respondent;

- * directing the Secretary to electronically record the proceedings, as appropriate; and,
- * ruling on the admissibility of any evidence introduced by either party; and,
- * deciding who may remain in the hearing room during each part of the mediation session.

12) Within thirty (30) calendar days of receipt of the CEO's directive to proceed, the Chair of the Neutral Outside Party Mediation Panel shall convene a dispute resolution hearing. The Secretary of the Planning Council shall assist the Chair in determining a date and a site for the hearing.

- The hearing shall be closed to the public and shall only be attended by the following:

- * the grievant(s) and those individuals identified by the grievant as necessary to support his/or her position;
- * the respondent(s) and those individuals identified by the respondent as necessary to support his/or her position ;
- * the 3 members of the Mediation Panel;
- * neutral third parties that the Mediation Panel has determined to have information or perspectives which might assist in the proceedings; and,
- * the Secretary of the Planning Council who shall be responsible for the recording of any disposition of the grievance

- The format to be followed is:

- * Each side describes the incident from its own perspective (the grievant shall present first)
- * Each party shall be encouraged to view the incident from the other side's perspective
- * The Mediation panel will help the parties discuss the disagreement and assist the parties in reaching a mutually acceptable resolution of the complaint.

13) The Mediation Panel does not have the authority to impose a settlement on the parties but will attempt to help the parties reach a satisfactory resolution of their dispute.

14) The Mediation Panel is authorized to end the mediation whenever, in the judgement of the panel, further efforts at mediation would not contribute to a resolution of the dispute between the parties.

- 15) The Mediation Panel is authorized to conduct joint and separate meetings with the parties and to make oral and written recommendations for settlement.
- 16) By the end of the 15 day period following the initial mediation hearing, resolution or impasse (a decision by the Third-Party Mediation Panel not to proceed) shall be reached. Upon recommendation of the Chair of the Third-Party Mediation Panel, and agreement of the other parties, this period may be extended by the CEO for another 5 day period if resolution appears imminent by the end of the extension.
- 17) If the mediation is successful, a confidential summary of the case will be forwarded to the CEO who will provide blinded (complainant names removed) summaries to the Executive Committee. The agreement shall be written by the Mediation Panel with the help of the parties, and shall be signed by all parties in the dispute.

If no resolution is forthcoming from this or any subsequent meeting(s), within 15 days of the consultation, a solution will be devised by the Mediation Panel and a recommendation for resolution shall be presented in Executive Session of the Executive Committee for official recommendation to the Chief Elected Official for decision and action.

C) Binding Outside Party Arbitration Process:

Upon sequential exhaustion of processes stated above, if either the grievant or the entity against which the original grievance was filed remains unsatisfied with the decision rendered, either may file an application for Binding Outside Party Arbitration.

- 1) The grievant shall request the “Submission of Grievance to Dispute Resolution” form from the Secretary of the Planning Council who shall also serve as the receiving authority under this process. The Secretary (who serves as the Associate to the Chairman, Board of Commissioners of Fulton County) may be contacted at the following location:

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141 Pryor Street, SW
Suite 10032
Atlanta, GA 30303
404/730-8204

- 2) To be considered, the completed “Submission of Grievance to Dispute Resolution” form must be submitted to the receiving authority within ten (10) business days of the Planning Council decision.
- 3) Upon receipt of a completed “Submission of Grievance to Dispute Resolution” form, the Secretary shall certify by signature the date and time the form was filed and shall provide the grievant with a copy of the certified form.

- 4) The Secretary shall provide a copy of the form to the respondent. If the grievance is against the Planning Council as a whole, the respondent shall be the Chair of the Planning Council. If the grievance is against a Committee, Task Force, or Caucus of the Planning Council, the respondent shall be the Chair of that Committee, Task Force, or Caucus.
- 5) The respondent shall have five (5) business days to sign the form and to return the signed form to the Secretary. Failure of the respondent to sign the form will not terminate the process. However, should the grievance be approved for dispute resolution, the reviewing body will be informed of the respondent's failure or refusal to facilitate this process. This information may be used by the reviewing body in considering the willingness of the respondent to resolve the grievance.
- 6) The Secretary shall forward the forms to the CEO, within two (2) business days of either the receipt of the signature of the respondent or the close of the respondent's 5 day response period.
- 7) The CEO shall review the request for dispute resolution and shall, within five (5) business days, determine if:
 - a) the grievant has standing under these procedures; and,
 - b) the issue proposed for consideration is within the scope of these procedures
- 8) If both conditions (7a) and (7b) are affirmed, within fifteen (15) business days of the determination, the CEO shall:
 - a) provide written notice to the grievant and the respondent of the determination to proceed;
 - b) obtain "Client Information Release Forms" as necessary to facilitate the process; and,
 - c) convene a preliminary meeting between Ryan White staff and the involved parties to determine the method for the selection of the Third-Party Arbitrator.
- 9) Within five (5) days of this preliminary meeting, the parties shall convene for the purpose of selecting the Third-Party Arbitrator. Should no mutually agreeable process be determined, the CEO shall have the authority to make the final determination for the selection of the Third-Party Arbitrator.
- 10) Selection of Third Parties: In developing the list(s) of qualified Outside Party Arbitrators, the following factors, at a minimum, shall be considered:
 - conflict of interest of the third-party (which shall disqualify the Outside Party from consideration);

- training/experience;
- cost; and,
- availability during the required time frame.

The CEO shall provide the parties with a written list of all third-parties considered as well as the findings related to the determining factors.

- 11) **Arbitration Process Fees:** Every reasonable effort shall be made to identify qualified Arbitrators who will provide the service on a pro-bono basis. To the greatest extent possible, the CEO and/or his designee, shall provide the parties with the names and qualifications of up to three (3) qualified Arbitrators who have agreed to provide the service on a pro bono basis.

Should the list of qualified Arbitrators who will provide the service on a pro-bono basis be exhausted prior to the acceptance of an Arbitrator by both parties, an Arbitrator who will provide the service for a fee shall be selected.

The CEO and/or his designee, shall provide the parties with the names and qualifications of up to three (3) qualified Arbitrators who have agreed to provide the service on a for fee basis. Should a mutually agreeable Arbitrator not be selected from this list, the CEO shall have the right to select the Arbitrator (either pro bono or for fee).

- a) Should a for-fee Arbitrator be selected, the costs for this service shall be allocated as follows: with the exception of the situation described below, the applicant (grievant) shall assume all costs associated with the arbitration process.
 - i) In a situation in which the applicant (grievant) has demonstrated a willingness to proceed with one of the listed pro-bono arbitrators (two acceptances out of three), but the other party (the respondent) has consistently rejected the pro-bono arbitrators listed (two rejections out of three), all costs associated with the arbitration process shall be equally divided among both parties.
- b) Should an Arbitration fee be assessed against the Planning Council as a whole or against a Committee, Task Force, or Caucus of the Planning Council, the fee for the Arbitrator shall be paid from the administrative budget of the Grantee.
- c) The Planning Council, in recognizing the importance of conflict resolution, has determined that ability to pay shall not be a determining factor in the ability of an individual or group to enter into Third-Party Arbitration. In the event of financial hardship, an individual or group against which fees have been assessed under this process may make application to the CEO for payment of fees. The group or individual declaring hardship shall make

available to the CEO such documentation as may be reasonably determined by the CEO to be necessary to determine hardship. Should the CEO determine that hardship exists, the CEO may direct that the fees for the individual or group be paid from the administrative budget of the Grantee.

- 12) Within 15 days of the selection of the Arbitrator, meetings (in such number as may be necessary) shall be held between the parties and the Third-Party Arbitrator.
- 13) Based on the recommendations of the parties, the Arbitrator shall develop an "Agreement to Arbitrate". This Agreement shall serve as a general outline of the dispute, and not an argument of the case. The Agreement to Arbitrate shall set forth the remedies sought by the grievant and any other remedy agreed to by the parties. The Arbitrator shall forward the "Agreement to Arbitrate" to all parties. Both sides must sign and return the Agreement within 5 days. Failure to return the signed Agreement shall be viewed as acceptance of the Agreement.
- 14) The scope of the arbitration shall be limited to those claims as set forth in the "Submission of Grievance to Dispute Resolution" form.
- 15) No communication by either party shall take place with the Arbitrator about the dispute except:
 - a) at a hearing for which the other party has received notice but does not appear;
or,
 - b) when all other parties are present or have given their written permission.

All other communication with the Arbitrator must be sent through the Secretary of the Planning Council. Violation of this rule may result in the discontinuation of the case.

- 16) The Arbitrator shall sign an oath pledging to make an impartial decision in the dispute.
- 17) The Arbitrator may obtain an impartial technical expert to provide relevant information. Any fees charged by the technical expert will be assigned to the parties in the same manner as previously described in Part 11.
- 18) The Arbitrator will set the date, time and location for the arbitration hearing. Notice of the date, time and location will be forwarded to all parties at least 7 calendar days in advance of the hearing.
- 19) Attendance at the hearing(s) shall be limited to the following:
 - * the grievant(s) and those individuals identified by the grievant as necessary to support his or her position;
 - * the respondent(s) and those individuals identified by the respondent as

- necessary to support his/or her position;
- * the Arbitrator;
- * neutral third parties that the Arbitrator has determined to have information or perspectives which might assist in the proceedings; and,
- * the Secretary of the Planning Council who shall be responsible for the recording of any disposition of the grievance.

20) Hearing Procedures:

- * The Arbitrator will decide on the order and procedure for the presentation of each party's side of the dispute.
- * Each party will be given the opportunity to make a personal presentation.
- * Each party may also question the other party and the other party's evidence.

21) The Arbitrator may direct the Secretary to electronically record the proceedings and/or to provide the services of a court reporter to record the proceedings.

22) If the Arbitrator determines that additional information is necessary in order to make a fair decision, the Arbitrator may direct that this additional evidence be submitted at a subsequent hearing or in any manner deemed appropriate by the Arbitrator. If the Arbitrator directs that written evidence be submitted after the initial hearing, the evidence shall be sent to the Secretary of the Planning Council within the time frame specified by the Arbitrator. The Secretary shall send a copy to the other party and solicit a response. Both the written evidence and any response shall be submitted by the Secretary to the Arbitrator.

23) When the Arbitrator is satisfied that all testimony and evidence have been presented, the hearing shall be concluded.

24) The Arbitrator will normally render a decision within 5 days after the hearing is concluded. When the Arbitrator has reached a decision in the case, all parties will be mailed a written decision accompanied by the Arbitrator's reasons for the decision.

25) Once a decision has been issued:

- a) The parties will be legally bound to abide by the decision and must comply with the decision's terms.
- b) Each party gives up the right to sue the other party in court on any claim that has been resolved at the arbitration hearing, unless one of the parties fails to perform according to the arbitrator's decision.

26) The decision of the Arbitrator shall be final.

GRIEVANT V. GRANTEE

Grievant v. Grantee:

Under these procedures, “Grantee” shall include the CEO and/or Ryan White Administrative Staff. Three options exist for formalized dispute resolution under these procedures. These options are listed in order of the sequence which must be followed:

A) Council Mediation Process:

- 1) The grievant shall request the “Submission of Grievance to Dispute Resolution” form from the Secretary of the Planning Council who shall also serve as the receiving authority under this process. The Secretary (who serves as the Associate to the Chairman, Board of Commissioners of Fulton County) may be contacted at the following location:

Fulton County Government Center
141 Pryor Street, SW
Suite 10032
Atlanta, GA 30303
404/730-8204

- 2) To be considered, the completed “Submission of Grievance to Dispute Resolution” form must be submitted to the receiving authority within ten (10) business days of the Grantee decision.
- 3) Upon receipt of a completed “Submission of Grievance to Dispute Resolution” form, the Secretary shall certify by signature the date and time the form was filed and shall provide the grievant with a copy of the certified form.
- 4) The Secretary shall provide a copy of the form to the respondent.
- 5) The respondent shall have five (5) business days to sign the form and to return the signed form to the Secretary. Failure of the respondent to sign the form will not terminate the process. However, should the grievance be approved for dispute resolution, the reviewing body will be informed of the respondent’s failure or refusal to facilitate this process. This information may be used by the reviewing body in considering the willingness of the respondent to resolve the grievance.
- 6) The Secretary shall forward the forms to the Chair of the Planning Council, within two (2) business days of either the receipt of the signature of the respondent or the close of the respondent’s 5 day response period.
- 7) The Chair of the Planning Council shall review the request for dispute resolution and shall, within five (5) business days, determine if:
 - a) the grievant has standing under these procedures; and,
 - b) the issue proposed for consideration is within the scope of these procedures

- 8) If both conditions (7a) and (7b) are affirmed, within five (5) business days of the determination, the Chair of the Planning Council shall:
- a) provide written notice to the grievant and the respondent of the determination to proceed;
 - b) obtain “Client Information Release Forms” as necessary to facilitate the process; and,
 - c) forward a copy of the “Submission of Grievance to Dispute Resolution” form to the appropriate dispute resolution body with the directive to commence action within thirty (30) calendar days.
- 9) The following steps would then be followed:
- a) The form and the directive shall be sent to the Chair of the Council Procedures Committee.
 - b) The Chair of the Council Procedures Committee shall identify four (4) Committee members to serve as the Mediation Panel.
 - c) Within thirty (30) calendar days the Chair of the Council Procedures Committee shall convene a dispute resolution hearing. The Secretary of the Planning Council shall assist the Chair in determining a date and a site for the hearing.
 - The hearing shall be closed to the public and shall only be attended by the following:
 - * the grievant(s) and those individuals identified by the grievant as necessary to support his or her position;
 - * the respondent(s) and those individuals identified by the respondent as necessary to support his or her position ;
 - * the 5 members of the Mediation Panel;
 - * neutral third parties that the Mediation Panel has determined to have information or perspectives which might assist in the proceedings; and,
 - * a neutral individual named by the Chair of the Mediation Panel who shall be responsible for the recording of any disposition of the grievance .
 - e) The Chair of the Procedures Committee shall serve as the Chair of the Mediation Panel. Among other duties, the Chair shall be responsible for:
 - * ensuring the fairness of the hearing;
 - * having all parties sign the appropriate confidentiality forms;
 - * setting the time limit for the presentation of issues from the grievant and the respondent;

- * ruling on the admissibility of any evidence introduced by either party;
- * directing a neutral individual to electronically record the proceedings, as appropriate; and,
- * deciding who may remain in the hearing room during each part of the mediation session.

f) The format to be followed is:

- * Each side describes the incident from its own perspective (the grievant shall present first);
- * Each party shall be encouraged to view the incident from the other side's perspective; and,
- * The Mediation panel will help the parties discuss the disagreement and assist the parties in reaching a mutually acceptable resolution of the complaint.

g) The Mediation Panel does not have the authority to impose a settlement on the parties but will attempt to help the parties reach a satisfactory resolution of their dispute.

h) The Mediation Panel is authorized to end the mediation whenever, in the judgement of the panel, further efforts at mediation would not contribute to a resolution of the dispute between the parties.

i) The Mediation Panel is authorized to conduct joint and separate meetings with the parties and to make oral and written recommendations for settlement.

j) If the mediation is successful, a confidential summary of the case will be forwarded to the Chair of the Planning Council who will provide blinded (complainant names removed) summaries to the Executive Committee. The agreement shall be written by the Mediation Panel with the help of the parties, and shall be signed by all parties in the dispute.

If no resolution is forthcoming from this or any subsequent meeting(s), within 15 days of the consultation, a solution will be devised by the Mediation Panel and a recommendation for resolution shall be presented in Executive Session of the Executive Committee for official recommendation to the Chief Elected Official for decision and action.

B) Outside Party Mediation Process:

Upon exhaustion of remedies stated above, if either the grievant or the entity against which the

original grievance was filed remains unsatisfied with the decision rendered, either may file an application for non-binding mediation.

- 1) The grievant shall request the “Submission of Grievance to Dispute Resolution” form from the Secretary of the Planning Council who shall also serve as the receiving authority under this process. The Secretary (who serves as the Associate to the Chairman, Board of Commissioners of Fulton County) may be contacted at the following location:

Fulton County Government Center
141 Pryor Street, SW
Suite 10032
Atlanta, GA 30303
404/730-8204

- 2) To be considered, the completed “Submission of Grievance to Dispute Resolution” form must be submitted to the receiving authority within ten (10) business days of the Grantee decision.
- 3) Upon receipt of a completed “Submission of Grievance to Dispute Resolution” form, the Secretary shall certify by signature the date and time the form was filed and shall provide the grievant with a copy of the certified form.
- 4) The Secretary shall provide a copy of the form to the respondent.
- 5) The respondent shall have five (5) business days to sign the form and to return the signed form to the Secretary. Failure of the respondent to sign the form will not terminate the process. However, should the grievance be approved for dispute resolution, the reviewing body will be informed of the respondent’s failure or refusal to facilitate this process. This information may be used by the reviewing body in considering the willingness of the respondent to resolve the grievance.
- 6) The Secretary shall forward the forms to the Chair of the Planning Council, within two (2) business days of either the receipt of the signature of the respondent or the close of the respondent’s 5 day response period.
- 7) The Chair of the Planning Council shall review the request for dispute resolution and shall, within five (5) business days, determine if:
 - a) the grievant has standing under these procedures; and,
 - b) the issue proposed for consideration is within the scope of these procedures
- 8) If both conditions (7a) and (7b) are affirmed, within five (5) business days of the determination, the Chair of the Planning Council shall:

- a) provide written notice to the grievant and the respondent of the determination to proceed;
 - b) obtain “Client Information Release Forms” as necessary to facilitate the process; and,
 - c) forward a copy of the “Submission of Grievance to Dispute Resolution” form to the appropriate dispute resolution body with the directive to commence action within thirty (30) calendar days.
- 9) The Chair of the Planning Council shall name a Neutral Outside Party Mediation Panel. This panel shall be comprised of:
- One (1) neutral individual from Fulton County Government, knowledgeable of health services for persons with HIV and familiar with the procedures and requirements of the Ryan White CARE Act;
 - One (1) neutral individual from DeKalb County Government, knowledgeable of health services for persons with HIV and familiar with the procedures and requirements of the Ryan White CARE Act;
 - One (1) neutral individual who is Living with HIV/AIDS, knowledgeable of health services for persons with HIV and familiar with the procedures and requirements of the Ryan White CARE Act.
- 10) The Chair of the Planning Council shall name one of the three Mediation Panel members to serve as the Chair of the panel. The “Submission of Grievance to Dispute Resolution” form and the Chair of the Planning Council’s directive shall be sent to the Chair of the Neutral Outside Party Mediation Panel.
- 11) Among other duties, the Chair of the Neutral Outside Party Mediation Panel shall be responsible for:
- * ensuring the fairness of the hearing;
 - * having all parties sign the appropriate confidentiality forms;
 - * setting the time limit for the presentation of issues from the grievant and the respondent;
 - * directing a neutral individual named by the Chair of the Mediation Panel to electronically record the proceedings, as appropriate; and,
 - * ruling on the admissibility of any evidence introduced by either party; and,
 - * deciding who may remain in the hearing room during each part of the mediation session.
- 12) Within thirty (30) calendar days, the Chair of the Neutral Outside Party Mediation Panel shall convene a dispute resolution hearing. The Secretary of the Planning Council shall assist the Chair in determining a date and a site for the hearing.
- The hearing shall be closed to the public and shall only be attended by the following:

- * the grievant(s) and those individuals identified by the grievant as necessary to support his/or her position;
- * the respondent(s) and those individuals identified by the respondent as necessary to support his/or her position ;
- * the 3 members of the Mediation Panel;
- * neutral third parties that the Mediation Panel has determined to have information or perspectives which might assist in the proceedings; and,
- * a neutral individual named by the Chair of the Mediation panel who shall be responsible for the recording of any disposition of the grievance

- The format to be followed is:

- * Each side describes the incident from its own perspective (the grievant shall present first)
- * Each party shall be encouraged to view the incident from the other side's perspective
- * The Mediation panel will help the parties discuss the disagreement and assist the parties in reaching a mutually acceptable resolution of the complaint.

- 13) The Mediation Panel does not have the authority to impose a settlement on the parties but will attempt to help the parties reach a satisfactory resolution of their dispute.
- 14) The Mediation Panel is authorized to end the mediation whenever, in the judgement of the panel, further efforts at mediation would not contribute to a resolution of the dispute between the parties.
- 15) The Mediation Panel is authorized to conduct joint and separate meetings with the parties and to make oral and written recommendations for settlement.
- 16) By the end of the 15 day period following the initial mediation hearing, resolution or impasse (a decision by the Third-Party Mediation Panel not to proceed) shall be reached. Upon recommendation of the Chair of the Third-Party Mediation Panel, and agreement of the other parties, this period may be extended by the Chair of the Planning Council for another 5 day period if resolution appears imminent by the end of the extension.
- 17) If the mediation is successful, a confidential summary of the case will be forwarded to the CEO who will provide blinded (complainant names removed) summaries to the Executive Committee. The agreement shall be written by the Mediation Panel with the help of the parties, and shall be signed by all parties in the dispute.

If no resolution is forthcoming from this or any subsequent meeting(s), within 15 days of the consultation, a solution will be devised by the Mediation Panel and a recommendation for resolution shall be presented in Executive Session of the Executive Committee for official recommendation to the Chief Elected Official for decision and action.

C) Binding Outside Party Arbitration Process:

Upon sequential exhaustion of remedies stated above, if either the grievant or the entity against which the original grievance was filed remains unsatisfied with the decision rendered, either may file an application for Binding Outside Party Arbitration as may be allowed under State law.

- 1) The grievant shall request the “Submission of Grievance to Dispute Resolution” form from the Secretary of the Planning Council who shall also serve as the receiving authority under this process. The Secretary (who serves as the Associate to the Chairman, Board of Commissioners of Fulton County) may be contacted at the following location:

Fulton County Government Center
141 Pryor Street, SW
Suite 10032
Atlanta, GA 30303
404/730-8204

- 2) To be considered, the completed “Submission of Grievance to Dispute Resolution” form must be submitted to the receiving authority within ten (10) business days of the Grantee decision.
- 3) Upon receipt of a completed “Submission of Grievance to Dispute Resolution” form, the Secretary shall certify by signature the date and time the form was filed and shall provide the grievant with a copy of the certified form.
- 4) The Secretary shall provide a copy of the form to the respondent.
- 5) The respondent shall have five (5) business days to sign the form and to return the signed form to the Secretary. Failure of the respondent to sign the form will not terminate the process. However, should the grievance be approved for dispute resolution, the reviewing body will be informed of the respondent’s failure or refusal to facilitate this process. This information may be used by the reviewing body in considering the willingness of the respondent to resolve the grievance.
- 6) The Secretary shall forward the forms to the Chair of the Planning Council, within two (2) business days of either the receipt of the signature of the respondent or the close of the respondent’s 5 day response period.

- 7) The Chair of the Planning Council shall review the request for dispute resolution and shall, within five (5) business days, determine if:
 - a) the grievant has standing under these procedures; and,
 - b) the issue proposed for consideration is within the scope of these procedures

- 8) If both conditions (7a) and (7b) are affirmed, within fifteen (15) business days of the determination, the Chair of the Planning Council shall:
 - a) provide written notice to the grievant and the respondent of the determination to proceed;
 - b) obtain “Client Information Release Forms” as necessary to facilitate the process; and,
 - c) convene a preliminary meeting between the involved parties to determine the method for the selection of the Third-Party Arbitrator.

- 9) Within five (5) days of this preliminary meeting, the parties shall convene for the purpose of selecting the Third-Party Arbitrator. Should no mutually agreeable process be determined, the Chair of the Planning Council shall have the authority to make the final determination for the selection of the Third-Party Arbitrator.

- 10) Selection of Third Parties: In developing the list(s) of qualified Outside Party Arbitrators, the following factors, at a minimum, shall be considered:
 - conflict of interest of the third-party (which shall disqualify the Outside Party from consideration);
 - training/experience;
 - cost; and,
 - availability during the required time frame.

The Chair of the Planning Council shall provide the parties with a written list of all third-parties considered as well as the findings related to the determining factors.

- 11) Arbitration Process Fees: Every reasonable effort shall be made to identify qualified Arbitrators who will provide the service on a pro-bono basis. To the greatest extent possible, the Chair of the Planning Council, shall provide the parties with the names and qualifications of up to three (3) qualified Arbitrators who have agreed to provide the service on a pro bono basis.

Should the list of qualified Arbitrators who will provide the service on a pro-bono basis be exhausted prior to the acceptance of an Arbitrator by both parties, an Arbitrator who will provide the service for a fee shall be selected.

The Chair of the Planning Council, shall provide the parties with the names and

qualifications of up to three (3) qualified Arbitrators who have agreed to provide the service on a for fee basis. Should a mutually agreeable Arbitrator not be selected from this list, the Chair of the Planning Council shall have the right to select the arbitrator (either pro bono or for fee).

- a) Should a for-fee Arbitrator be selected, the costs for this service shall be allocated as follows: with the exception of the situation described below, the applicant (grievant) shall assume all costs associated with the arbitration process.
 - i) In a situation in which the applicant (grievant) has demonstrated a willingness to proceed with one of the listed pro-bono arbitrators (two acceptances out of three), but the other party (the respondent) has consistently rejected the pro-bono arbitrators listed (two rejections out of three), all costs associated with the arbitration process shall be equally divided among both parties.
 - b) Should an Arbitration fee be assessed against the CEO and/or the Ryan White Administrative Staff, the fee shall be paid from the administrative budget of the Grantee.
 - c) The Planning Council, in recognizing the importance of conflict resolution, has determined that ability to pay shall not be a determining factor in the ability of an individual or group to enter into Third-Party Arbitration. In the event of financial hardship, an individual or group against which fees have been assessed under this process may make application to the Chair of the Planning Council for payment of fees. The group or individual declaring hardship shall make available to the Chair of the Planning Council such documentation as may be reasonably determined by the Chair of the Planning Council to be necessary to determine hardship. Should the Chair of the Planning Council determine that hardship exists, the Chair of the Planning Council may direct that the fees for the individual or group be paid from the administrative budget of the Grantee.
- 12) Within 15 days of the selection of the Arbitrator, meetings (in such number as may be necessary) shall be held between the parties and the Third-Party Arbitrator.
 - 13) Based on the recommendations of the parties the Arbitrator shall develop an “Agreement to Arbitrate”. This Agreement shall serve as a general outline of the dispute, and not an argument of the case. The Agreement to Arbitrate shall set forth the remedies sought by the grievant and any other remedy agreed to by the parties. The Arbitrator shall forward the “Agreement to Arbitrate” to all parties. Both sides must sign and return the Agreement within 5 days. Failure to return the signed Agreement shall be viewed as acceptance of the Agreement.
 - 14) The scope of the arbitration shall be limited to those claims as set forth in the

“Submission of Grievance to Dispute Resolution” form.

- 15) No communication by either party shall take place with the Arbitrator about the dispute except:
- a) at a hearing for which the other party has received notice but does not appear; or,
 - b) when all other parties are present or have given their written permission.

All other communication with the Arbitrator must be sent through the Chair of the Planning Council. Violation of this rule may result in the discontinuation of the case.

- 16) The Arbitrator shall sign an oath pledging to make an impartial decision in the dispute.
- 17) The Arbitrator may obtain an impartial technical expert to provide relevant information. Any fees charged by the technical expert will be assigned to the parties in the same manner as previously described in Part 11.
- 18) The Arbitrator will set the date, time and location for the arbitration hearing. Notice of the date, time and location will be forwarded to all parties at least 7 calendar days in advance of the hearing.
- 19) Attendance at the hearing(s) shall be limited to the following:
- * the grievant(s) and those individuals identified by the grievant as necessary to support his or her position;
 - * the respondent(s) and those individuals identified by the respondent as necessary to support his/or her position;
 - * the Arbitrator;
 - * neutral third parties that the Arbitrator has determined to have information or perspectives which might assist in the proceedings; and,
 - * a neutral individual named by the Chair of the Planning Council who shall be responsible for the recording of any disposition of the grievance.

- 20) Hearing Procedures:

- * The Arbitrator will decide on the order and procedure for the presentation of each party’s side of the dispute.
- * Each party will be given the opportunity to make a personal presentation.
- * Each party may also question the other party and the other party’s evidence.

- 21) The Arbitrator may direct the Chair of the Planning Council to name a neutral individual to electronically record the proceedings and/or to provide the services of a

court reporter to record the proceedings.

- 22) If the Arbitrator determines that additional information is necessary in order to make a fair decision, the Arbitrator may direct that this additional evidence be submitted at a subsequent hearing or in any manner deemed appropriate by the Arbitrator.

If the Arbitrator directs that written evidence be submitted after the initial hearing, the evidence shall be sent to the Chair of the Planning Council within the time frame specified by the Arbitrator. The Chair of the Planning Council shall send a copy to the other party and solicit a response. Both the written evidence and any response shall be submitted by the Chair of the Planning Council to the Arbitrator.

- 23) When the Arbitrator is satisfied that all testimony and evidence have been presented, the hearing shall be concluded. In no event shall the period of time allowed for under the Arbitration process exceed 30 calendar days.
- 24) The Arbitrator will normally render a decision within 5 days after the hearing is concluded. When the Arbitrator has reached a decision in the case, all parties will be mailed a written decision accompanied by the Arbitrator's reasons for the decision.
- 25) Once a decision has been issued:
- a) The parties will be legally bound to abide by the decision and must comply with the decision's terms.
 - b) Each party gives up the right to sue the other party in court on any claim that has been resolved at the arbitration hearing, unless one of the parties fails to perform according to the arbitrator's decision.
- 26) The decision of the Arbitrator shall be final and shall be binding to the extent allowed for under State and Local Law.

ATTACHMENT 1

ATLANTA EMA
GRIEVANCE PROCEDURE: CONFIDENTIALITY FORM

I the undersigned hereby affirm that:

- A) I have been informed and acknowledge that during the conduct of the dispute resolution process I may be the recipient of, or made aware of, information which is considered to be confidential;
- B) any and all information provided (either in verbal, electronic, or written form) to me in fulfilling my role in this dispute resolution process shall remain confidential throughout the process and beyond;
- C) I agree that I will not discuss any issues related to this action with anyone -- at any time -- except as may be required during the actual hearings which are a part of this process; and,
- D) I understand that failure to comply with the confidentiality requirements of this process may result in my dismissal from the Planning Council and/or may subject me to such civil and/or criminal actions as may exist under Georgia law.

Name

Grievance #

To be signed at the beginning of the
dispute resolution process:

To be signed at the conclusion of the
dispute resolution process:

Signature

Signature

Date

Date

ATTACHMENT 2

ATLANTA EMA
GRIEVANCE PROCEDURE: CLIENT INFORMATION RELEASE FORM

I _____ hereby authorize _____ to release/obtain such
information from _____
(Grievant) (Agency/ies)

my records as may be necessary to address the grievance I have filed for dispute resolution under the Atlanta EMA Grievance Procedures. I understand that the information provided to the mediating body(ies) and/or arbitrator(s) shall remain confidential and shall not be discussed outside of the process nor disclosed to any individual not named as a participant in the process.

Signature

Date

ATTACHMENT 3

**ATLANTA EMA
SUBMISSION OF GRIEVANCE TO DISPUTE RESOLUTION**

-----To be completed by receiving authority-----

Grievance #: _____ Signature of Receiving Authority: _____

Date: _____ Time: _____

The undersigned party(ies) submit(s) the following dispute for resolution under the following grievance procedure:
(check one)

___ Individual/Group/Agency v. Planning Council ___ Individual/Group/Agency v. Grantee

Procedure requested by submitting party(ies):
(check one)

- ___ A. Council Process
(must be exhausted before selecting B or C)
- ___ B. Non-Binding Outside Party Mediation
(must be exhausted before selecting C)
- ___ C. Binding Arbitration
(must first have exhausted A and B)

Procedure designated by receiving authority:
To be completed by receiving authority

- ___ A. Council Process
- ___ B. Non-Binding Outside Party
Mediation
- ___ C. Binding Arbitration

Statement of Grievance: (must include date questioned decision/action was taken, by what entity, and the reasons for filing the grievance; use additional sheets as required)

Statement of Previous Action Taken: (The steps the grievant has taken to date to seek resolution including any offer of resolution and reasons for rejection; use additional sheets as required)

Statement of Remedy Desired by Grievant: (recommended solution or relief requested; use additional sheets as required) *Note that remedies may be limited to future action and may not be able to reverse decisions retroactively*

Continued on Following Page

If the procedure to be used is binding arbitration, signature constitutes agreement to be bound by the decision of the arbitrator.

Name of Grievant

Name of Responding Party

If Grievant is an organization,
name of authorized individual

If Responding Party is an organization,
name of authorized individual

Address

Address

City/State/Zip Code

City/State/Zip Code

Telephone Number

Telephone Number

Fax Number

Fax Number

Signature

Signature

Please file 3 copies of this form with the Secretary of the Planning Council:

Associate to the Chairman
Board of Commissioners of Fulton County
Fulton County Government Center
Tenth Floor
141 Pryor Street, SW
Atlanta, GA 30303

404/730-8204

The Secretary of the Planning Council shall notify the filing party of any determinations or decisions that are made.

A check in the amount of \$50.00 is required to initiate mediation or other non-binding dispute resolution and should be submitted with this form. A check in the amount of \$100.00 is required to initiate binding arbitration and should be submitted with this form. Checks should be made payable to Fulton County. Individuals unable to meet this financial commitment may apply to the Chairman of the Board of Commissioners for a fee waiver. A Request for Waiver of Fees form may be obtained from the Secretary of the Planning Council at the above address and must be submitted with this Grievance Request form.

