



RIVERSIDE COUNTY
ECONOMIC DEVELOPMENT AGENCY

POLICIES & PROCEDURES

Date: March 29, 2004

Number: 18-04

SUBJECT: CONTINUOUS QUALITY IMPROVEMENT (CQI)
CERTIFICATION APPEALS PROCESS

PURPOSE: To provide guidance and notification to Riverside County Economic Development Agency (EDA), Workforce Development staff, hereinafter known as EDA, Workforce Development Board members, and Service Providers regarding rights to a hearing; to establish uniform procedures; and process for a rapid resolution of Continuous Quality Improvement (CQI) certification action appeals.

REFERENCES: Workforce Investment Act (WIA) Section 181(c)(1)

Title 29 CFR, Part 97, §97.36 (b)(1)(3(i)(ii)(iii)(iv), (8), (9)

Title 29 CFR, Part 95, §95.42

LOCALLY IMPOSED REQUIREMENTS: Locally imposed requirements are indicated in ***bold, italic*** type.

EFFECTIVE DATE: December 31, 2003

BACKGROUND:

DISTRIBUTION: WDB; SP; ADMIN; PPD; FISCAL; PROG.COMP.; CUST.SERV.

The Riverside County Workforce Development Board and the Council for Youth Development have established a quality assurance system based on Continuous Quality Improvement principles and practices. Seven quality standards and indicators have been established. These standards hold providers accountable for delivering the highest level of quality services to youth through the Youth Opportunity Centers. Program providers must submit an application for certification. Riverside County Youth Opportunity Consortiums that are not certified by the established deadline may appeal the certification decision.

EDA adheres to the requirements necessary to conduct appropriate and valid Service Provider appeals for procurement. These procedures meet the standards required by the various federal, state, and local laws and regulations that govern these programs. This appeals procedure is different from the procurement appeals procedure in that it governs a specific aspect of the programs, and it is limited to CQI certification.

POLICY:

Following the above noted federal laws and implementing regulations for an appeals process, EDA provides this procedure as a means for the resolution of CQI certification grievance appeals. Due to the time sensitive nature of programs, this appeal procedure has been established to expedite complaint resolution on conflicts, issues or claims arising from certification decisions implemented by EDA. Due to the importance of quickly resolving such matters, this procedure compresses filing, hearing and decision periods. The following process provides a period for resolution and notification of decisions pertaining to such appeals.

PROCEDURES:

Applicability

The CQI certification appeal process is limited to service provider complaints or Grievances relating to denial of certification as a CQI certified service provider. The Service Provider may only appeal on the basis of how the process was conducted.

Filing

A Notice of Grievance must be submitted in writing within five working days following notification of a decision to which the complainant takes issue and must contain the following:

- ◆ Date of the notice
- ◆ Name, addresses, telephone number, fax number and email address (where applicable) of the complaint
- ◆ Name and title of the person or persons authorized to represent the organization in the grievance matter
- ◆ A statement confirming that the complainant is electing to use the Workforce Development Center CQI Certification Grievance and Appeal Process

- ◆ Detailed statement of all grievances
- ◆ A statement identifying resolution being sought
- ◆ An estimate of the time required to present the complainant's case
- ◆ Signature of an authorized official of the complainant organization

The evidence brought forth in the written appeal may only be based on the technical assistance report received from the Certification Review Team. Any extraneous information in the written appeal will be disregarded in the appeals process. Service Providers who are successful in the appeals process will not be certified as a result. A new Certification Review Team will be seated to review the contested certification application. The team will be seated within 30 days of a successful appeal, and the process will be conducted as specified in the certification application and policies.

The Grievance may not be considered received within the five working day response period if any information is missing.

The notice will be sent to the attention of the CQI Coordinator "in care of" the Workforce Development Board at the Riverside County Economic Development Agency, Workforce Development Center at 1151 Spruce Street, Riverside, CA 92507. The envelope will be clearly marked, "NOTICE OF APPEAL." While not required, it is in the complainant's best interest to obtain verification of the date of receipt of the Notice of Appeal by the CQI Coordinator. This can be done by using certified mail or by personally delivering the notice to the address noted above and obtaining a receipt from the CQI Coordinator. The Coordinator, or designee, is also responsible to ensure personally delivered documents are date stamped at time of receipt.

Subsequent Communications in Writing

Subsequent written notices may be delivered personally, sent by certified mail, or faxed using registered facsimile machines that show the sender and time sent in the margins.

Rights of the Parties

- ◆ Counsel may represent either party if so desired, but such representation is not required. Each party will bear the cost of such representation.
- ◆ Either party may call witnesses and submit documents and other evidence at any level of appeal.
- ◆ Within five working days following the action to which the complainant takes issue, but prior to the submission of the Grievance, the complainant will have the right to review its CQI application file. The complainant will make an appointment with the CQI Coordinator to review the CQI application file and make copies at that time only. At no time will the file be released.

TIMELINE SUMMARY AND COMMENT

All times calculated from the time of each decision notification (if there are more than one) being received by the complainant.

Time Period	Action	Procedure Reference
Within 1-5 working days from receipt of CQI Certification decision notification	Complainant to review its application file.	See <u>Rights of the Parties</u>
Within 1-5 working days from receipt of CQI Certification decision notification	Complainant files notice of appeal	See <u>Filing</u>
Within 45 calendar days following receipt of the grievance appeal	*Grievance hearing panel convenes and renders initial decision	See <u>Hearing Schedule</u>
Within 30 calendar days following the hearing	WDB will forward the decision of the hearing panel to the complainant in writing.	See <u>Decisions</u>

*The WDB will attempt to schedule the hearing as quickly as possible, and the complainant is expected to be prepared.

Hearing Schedule

A hearing will be scheduled by the WDB within ten days of the receipt of the Grievance, and must convene by calendar day 45 of the appeal period. Every effort will be made to coordinate the hearing date with the complainant. However, in the interest of time, it is expected the complainant be prepared to present its case at any time. The WDB will notify the complainant in writing as to the date, time, place and the membership of the hearing panel. The scheduling or participation in informal resolution efforts will not cause delay in the scheduling of this hearing. The complainant will be allowed to reschedule once, but only if the original panel members' schedule permits.

Appeals Hearing

The hearing panel will be comprised of:

- ◆ The Chair of the WDB Executive Committee
- ◆ The Vice Chair of the WDB Executive Committee
- ◆ One impartial third party representative acceptable to both parties. In the event that no agreement is reached on the impartial third party appointment, the WDB will have the final right to make this appointment in the interest of expediting the resolution of the Grievance.
 - a. The impartial third party will be the hearing panel chairperson unless that person declines, in which case the panel will select another chairperson from among its

membership. A hearing panel member will disqualify him or herself in the event there is a conflict of interest. Affiliation with the Riverside County WDB or the Riverside County Board of Supervisors will not be considered a conflict of interest.

- b. The CQI Certification Team and the complainant will jointly submit a statement of the Grievance to the hearing panel to ensure that the parties agree upon the details of the Grievance and to give notice to the hearing panel of the issue(s) to be adjudicated.
- c. The CQI Certification Team will present its position on the Grievance first, and then the complainant will have the opportunity to present its case. The complainant is barred from presenting information or from raising issues that were not included in the original Grievance submission.
- d. The hearing will be conducted in a formal manner with each side having full opportunity to present its testimony, witnesses, and evidence and to rebut the testimony and evidence of the other party. The formal rules of evidence found in judicial proceedings will not apply to the hearing proceedings.

The hearing proceedings will be electronically or stenographically recorded and are a matter of public record.

Decisions

Within 30 days of the hearing, the WDB will forward the decision of the hearing panel to the complainant in writing. This is a one time only appeal, and the decision by the hearing panel will be considered final in this matter.

Waiver

The complainant, by using this procedure, specifically waives all rights to further appeals or rehearing under this procedure or under any other applicable grievance or appeal procedure. The complainant further waives any and all of its rights to having the matter adjudicated in a civil court. These waivers can only be set aside upon the showing by the complainant of gross misconduct in the adjudication of the Grievance by a member of the hearing panel.

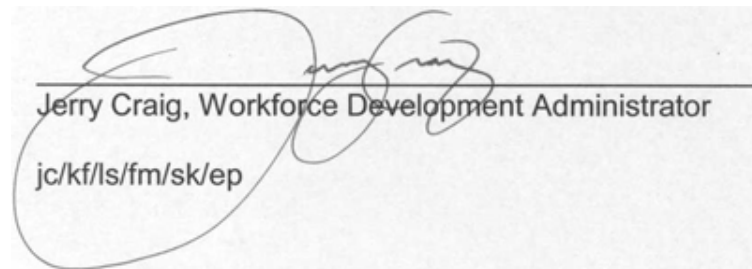
Consolidation of Grievances

This appeal procedure is an extraordinary effort to expedite the resolution of Grievances. Full attention to detail and cooperation of all parties is expected. To expedite the appeal process, all of a complainant's Grievances must be filed in the same Notice of Appeal if they arise from the same decision or concurrent decisions of the CQI Certification Review Team, and they are Grievances included in the APPLICABILITY section of this policy. The complainant's failure to raise all concurrent issues in the initial Notice of Appeal will forever waive the complainant's right to appeal those issues.

Questions and Interpretations

Once the complainant has submitted a Notice of Appeal, all questions regarding interpretations of this procedure should be directed to the attention of the Workforce Development Board at the Riverside County Workforce Development Center, 1151 Spruce Street, Riverside, CA 92507. Such inquiries and responses should be in writing, delivered in person or by facsimile at 909. 955.3131. The Workforce Development Board Chair may delegate the authority to receive questions and to respond when such delegation would aid in expediting the procedure.

At all other times, please direct any questions or concerns regarding this Policy and Procedure to EDA Workforce Development Division's CQI Coordinator.



Jerry Craig, Workforce Development Administrator
jc/kf/l/s/fm/sk/ep