



Office of Community Partnerships
Policy Memorandum No. 33

DATE: TBD, 2023
TO: All OCP Contractors
FROM: Michael Zaugg, OCP Program Director
SUBJECT: **Consumer Grievance Process**

Office of Community Partnerships' contractors must develop a written grievance process for reviewing and attempting to resolve service concerns of consumers, or persons authorized to act on behalf of them, against DAS funded programs and employees or volunteers of such programs.

This requirement is to make certain that consumers have established rights and due process for resolution on a timely basis.

The following information outlines the level of resolution and responsibilities at each stage. Compliance with this requirement at the contractor level will be reviewed by OCP staff through the annual program monitoring process and ongoing site visit monitoring.

1. Levels of Resolution

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| <i>First Level</i> | The service provider (OCP contractor). |
| <i>Second Level</i> | DAS/OCP Staff (DAS CQI/QMS Unit, OCP Analyst Staff, OCP Managers, OCP Program Director). |
| <i>Third and Final Level*</i> | An appointed DAS Advisory Council Panel. |



*A select few programs are provided additional levels of resolution based on specific Federal or State regulations. These program(s) and additional levels of resolution are described in section 9, found at the end of this Policy Memorandum document.

2. Level 1 - Responsibilities of OCP contractors

- A. Each OCP contractor shall develop a Consumer Grievance Policy and Procedure process according to the needs of the program and OCP's requirements as specified below.
- B. The policy shall indicate a time frame within which a grievance will be acknowledged. The time frame shall not exceed 2 working days after receipt of the grievance. The acknowledgement letter will clearly state the grievance levels within the agency.
- C. A written notification shall be issued to the grievant stating the results of the review within 10 working days of the receipt of the grievance. If more than 10 working days are required to review the case, a written letter shall be issued to the grievant notifying them of the extended timeline for review.
- D. The time frame to resolve a grievance at the service provider level shall be no more than 30 calendar days from the date of receipt of a grievance.
- E. All notifications to the grievant shall include a statement that they may appeal to DAS/OCP if dissatisfied with the results of the service provider's review.
- F. The grievance process shall include confidentiality provisions to protect the consumer's right to privacy. Only information relevant to the grievance may be released to the responding party without the consent of the consumer.
- G. The consumer has a right to remain anonymous but will need to provide an address for written correspondences. An e-mail address is acceptable.



3. Level 1 - Grievance Process Notification by OCP Contractors

- A. The grievance process shall be posted in visible and accessible areas of each service program site, such as the site bulletin board. (An example of a notification poster is attached to this policy.)
- B. For areas in which more than 40% of consumers are non-English speaking, the grievance process notification shall be posted in the primary language(s) of the consumers, in addition to English.
- D. Consumers who are homebound and/or participating in services which primarily take place in the community will receive notification of grievance procedure in writing by the respective program at the time of enrollment. Examples of such services include Home Delivered Meals and Case Management.

4. Level 2 - Grievance Filing Format to DAS/OCP

If a consumer is not satisfied with the results of their grievance at the provider level, they have the right to appeal to DAS/OCP for review.

- A. Grievance request to DAS/OCP should be submitted in writing. However, if a consumer cannot submit a written grievance, the DAS/OCP shall take all of the following actions:
 - 1) verbally accept the grievance;
 - 2) prepare a written grievance;
 - 3) have the consumer sign the written grievance, although this is not necessary prior to commencement of the review.
- B. The written grievance shall include, at a minimum, all of the following information:
 - 1) the name, mailing address or e-mail address and telephone number, if any, of the consumer or person authorized to act on behalf of the consumer;
 - 2) the type of service and the service provider involved;
 - 3) the name of the individuals involved;
 - 4) the issue of concern or dispute;



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- 5) the date, time, and place that the issue of concern or dispute occurred;
 - 6) the names of witnesses, if any.
- C. The resolution process at the DAS/OCP level shall be completed within 45 days of receipt of the grievance and shall include all of the following:
- 1) the time frame from the receipt of a grievance in which the review will occur;
 - 2) only information relevant to the consumer may be released to the responding party without the consent of the consumer;
 - 3) an impartial investigation of the grievance and an attempt to resolve the issues with the parties involved;
 - 4) the time frame within which the investigation of the grievance(s) will occur;
 - 5) the preparation of a written report on the results of the investigation activities, including a process for ensuring that agreements reached during the review process are fulfilled, if applicable. A copy of the report shall be sent to the parties involved.
 - 6) the consumer shall be notified of his/her right to an advisory council hearing if dissatisfied with the results of this review.

7. Level 3 - Advisory Council Hearing

If a consumer is not satisfied with the results of the level 2 review, they may request an advisory council hearing to review the grievance.

- A. The request for advisory council hearing shall be made either orally or in writing to DAS staff identified in the level 2 review report.
- B. Within 30 days of the request for hearing, the consumer or person authorized to act on behalf of the consumer, shall be notified in writing of all of the following:
 - 1) the date, time and location of the hearing;
 - 2) the consumer's and other parties' right to be present at the hearing and/or to have another person act on their behalf, including the right to have legal counsel present.



- C. The hearing body shall issue an *advisory* decision on the grievance within 30 days from the date of the hearing.

8. Level 3 - Requirements of the Advisory Council Hearing

- A. The hearing shall be conducted by an impartial panel composed of three members of the DAS Advisory Council appointed by the Council President. A signed conflict of interest statement shall be obtained from each panel member.
- B. The hearing shall be conducted in a professional manner with testimony restricted to the issues requiring resolution.
- C. All parties shall have the right to all of the following:
 - 1) to be present at the hearing;
 - 2) to present evidence and witnesses;
 - 3) to examine witnesses and other sources of relevant information and evidence.
- D. The panel shall issue an *advisory* decision, which shall contain all of the following:
 - 1) a description of each issue;
 - 2) a statement as to whether the grievance was upheld or denied. In the case of grievances that are upheld, an explanation of the remedy for the grievance shall also be included;
 - 3) a citation of applicable laws and regulations.
- E. The advisory decision shall be forwarded to:
 - 1) the DAS Executive Director, unless the grievance is against the director;
 - 2) the President of the DAS Commission when the grievance is against the DAS Executive Director
- F. No more than 30 days after the receipt of the advisory decision, the Executive Director or President of the DAS Commission shall either:
 - 1) adopt the proposed decision as final.



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2) write a new final decision.

- G. The adopted/final decision shall be communicated in writing to all parties involved. **This shall be the final level of grievance** unless Federal or State regulations for specific programs require further levels of resolution. Any programs meeting this criteria are listed in section 9 below.

9. Programs requiring additional levels of grievance resolution:

A. CalFresh Healthy Living (CFHL), formerly known as SNAP-Ed.

- 1) Staff shall follow the guidelines above for responding to client grievances on the basis of perceived or actual discrimination when delivering CFHL services. Clients shall also be made aware of the option to file a discrimination complaint to the USDA, and be provided a complaint form. The USDA Program Discrimination Complaint Form, (AD-3027) can be found online at:
http://www.ascr.usda.gov/complaint_filing_cust.html
- 2) The process to file a discrimination complaint to USDA related to CFHL services shall be posted in visible and accessible areas of each service program site, such as consumer's bulletin board, and post the "Justice For All" (blue color) poster. Submit complaint to USDA by any of the following methods:
 - a. Mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410
or
 - b. Fax: (202) 690-7442
 - c. Email: program.intake@usda.gov