



Board Action Item

Early Learning Coalition of Southwest Florida, Inc. July 26, 2006

Subject: Approval of the Following Policy Amendments:

ELCSWF-SR0019-06 Coalition Board and Staff Grievance Policy

Proposed Recommendation: Recommendation for approval of the amendments to the above policy.

Background Information:

The Coalition Plan and Best Practices require that each Coalition have in place a policy to address possible staff and board member grievances. This policy was developed utilizing the staff grievance policies utilized by the Regional Workforce Development Board and was modified to address the needs of the Coalition. This policy is consistent with state law and aligns with previously passed policies addressing complaints and grievances for providers and consumers of the Coalition.

Action Taken: Barbara Saunders assigned Nancy Starr, Director of Policy, to convene a workgroups of Coalition staff to develop these policies. Meetings are held to address these areas.

All additions and deletions have been approved by the Executive Director and staff workgroup.

Coalition Meeting: July 26, 2006

Supporting Documentation: Draft Policy

Submitted By: Barbara Saunders, Executive Director
ELC Executive Board

Approved
Date:

Motion:
Second:



Early Learning Coalition of Southwest Florida

The Early Learning Coalition of Southwest Florida will work in collaboration with our communities to develop successful learners and to support those in school for continued success.

<u>SUBJECT:</u> <u>Coalition Board and Staff Grievance Policy</u>		
<u>Policy #:</u> ELCSWF-EL0019-06	<u>Category:</u> Coalition Governance	<u>Reference #:</u> OEL-EL-220
<u>Approval:</u> Pending 7-26-06	<u>Effective Date:</u>	<u>Replaces (policy # and date):</u>

I. PURPOSE: This policy is established for the fair, orderly, and speedy resolution of disputes that may arise between the Early Learning Coalition of Southwest Florida Inc. (ELC-SWF) Board members and/or staff members of the Coalition Board. This shall serve as the exclusive Board policy for the resolution of job-related grievances.

II. CONTACT: Barbara Saunders, Executive Director; Sabra Cecil, Chairperson of the Early Learning Coalition of Southwest Florida Board.

III. APPLICATION: This policy applies to all members of the Early Learning Coalition of Southwest Florida (ELC-SWF); and any full-time, part-time or contracted staff of the Early Learning Coalition of Southwest Florida.

IV. POLICY: This policy addresses the handling of complaints or grievances of staff or board members as related to their positions, responsibilities or assignments, such as discipline, transfer, selection, unfair task assignment, denial of personal requests, etc. Staff may use this policy when they feel a work-related decision is not consistent with established agency policies and practices, including those outlined in the federal and state laws, state plans, administrative code, coalition bylaws, or employee handbook.

V. DEFINITIONS:

“Coalition” or “coalition” means an early learning coalition created under s. 411.01, FS. And specifically refers to **“Early Learning Coalition of Southwest Florida, Inc. (ELC-SWF).**

“Executive Committee” is composed of officers and the chairpersons of all committees. This Standing Committee serves as the Appeals Board to hear and decide appeals and administrative decisions in compliance with the Sunshine Law. This committee has the responsibility of reviewing client and provider grievances and reports of non-compliance issues of providers.

“Grievant” refers to the individual identified as the employee or board members whose interests have been affected.

“Preponderance of the evidence” means the level of proof required to prevail. The executive committee must be persuaded that the facts are more probable one way than the other.

“Reasonable” means of sound judgment.

“Reasonable Belief” means that which any reasonable person, given the same set of circumstances or facts, would believe to be true.

“Sunshine Law” refers to the public records access laws and Government in the Sunshine (s.286.011, F.S.). The law provides the right of access to governmental proceedings at both the state and local levels. Early Learning Coalitions are subject to the Government in the Sunshine Law and must act in compliance with its provisions. The law applies to any gathering of two or more members of the same board to discuss a matter that may come before the board in the foreseeable future. There are three basic requirements of s. 286.011, F.S.:

1. Meetings of public boards or commissions must be open to the public;
2. Reasonable notice of such meetings must be given; and
3. Minutes of the meetings must be taken.

VI. PROCEDURES:

General

1. A staff member attempting to resolve a grievance outside the methods indicated in this policy, including approaching one or more Board members or other Board stakeholders will be deemed as violating this policy and is subject to dismissal.
2. This policy shall not be used for appealing decisions related to the Agency for Workforce Innovation (AWI) or Early Learning Coalition’s responsibility to determine corporate direction or strategy, or operating decisions such as the number and assignment of employees, establishment of rules of conduct, determination of the hours and days of work, wages and benefits.
3. The time limits included in this policy have been established to facilitate a prompt resolution of the grievance while providing ample time to prepare and present arguments.
4. Board members need to operate within the guidelines of the Sunshine Law regarding board business.

Informal Grievance

5. Regular and forthright communication between staff, supervisors or board members reduces the likelihood of the need for more formal review and is in the best interest of the Board and its employees. Therefore, staff/board members should bring to the attention of their supervisors/executive board any work-related grievances as soon as possible after they arise, and discuss the concern with the objective of resolving it.

6. Supervisors/executive board will discuss the grievance with staff/board member in a timely fashion and put forth an effort to resolve the issue. An informal resolution should be resolved within **ten (10) working days** of the employee/board member first discussing the grievance with their supervisor or, in the case of a board member, the chairperson. Should informal attempts at resolution not be satisfactory, staff/board members may then submit a formal grievance.

7. Employees and/or Board members are encouraged to take a grievance or complaint involving a co-worker directly to that person for discussion and resolution. If the two employees/board members are unable to resolve their differences, they may at any time request a meeting with their supervisor where both individuals are present. If the complaint is unresolved at that level, the supervisor/chair will arrange a meeting with the Executive Director. The decision of the Executive Director and/or the Board Chair shall be considered final.

Formal Grievance

7. A formal grievance must be in writing, signed by the staff or board member, and submitted to the Executive Director within **ten (10) working days** of the occurrence which gave rise to the grievance, or within **ten (10) working days** of the date the staff/board member had reason to know of the occurrence. In the event that informal attempts to resolve staff/board grievances are not successful, the formal grievance must be filed within **ten (10) working days** of that event.

8. The written grievance shall include supporting details as such:

- a. possible policy or rule which is alleged to have been violated
- b. a concise statement of the facts surrounding the grievance
- c. a description of the remedy sought

9. Within **ten (10) working days** from receipt of the written grievance, the Executive Director will establish the Formal Grievance Committee. This committee will consist of the following:

- Executive Director
- A Coalition employee or board member selected by the Executive Director
- A co-worker/board member selected by the grievant.

10. The executive director may identify any other individuals the committee determines will assist in the investigation and resolution of the grievance.

11. The Formal Grievance Committee shall meet with all participants and the grievant within **fifteen (15) working days** from receipt of the written grievance.

12. The Executive Director will provide the staff/board member with the committee's written decision within **five working days** after the completion of this meeting and the Coalition office will retain a copy of the grievance and written decision.

Appeal Process

13. If dissatisfied with the decision of the Formal Grievance Committee, the grievant may file a written appeal within **10 working days** requesting a hearing before the Board's Executive

Committee of ELC-SWF. The written appeal must be received in the office of the Executive Director no later than the close of business on the 10th working day following receipt of the Committee's written decision.

14. The ELC-SWF Executive Committee is composed of officers and the chairpersons of all committees. This standing committee serves as the Board's Appeal Panel to hear and decide appeals and administrative decisions in compliance with the Sunshine Law.

15. Appeals must be in writing and mailed or hand delivered to the office of the Early Learning Coalition of Southwest Florida, 12651 McGregor Blvd., Suite 4-402, Fort Myers, Fla. 33919. If mailed, the postmark on the envelope must be stamped within the 10th working day time frame.

16. Within **10 working days** of the receipt of request for appeal, the ELC-SWF Executive Director or designee shall arrange a date, time and location for the ELC_SWF Executive

17. Committee to hear the grievant appeal. The hearing date must be set within **30 calendar days** of the receipt of the notice of appeal.

18. The grievant will be given no less than 10 calendar days advance notice of the date, time and location the ELC-SWF Executive Committee will hear the matter. Fifty-one percent (51%) of the voting members of the executive committee must be present, or available by telephone, and shall constitute a quorum for transaction of business.

19. The grievant has the right to have legal representation, or to be represented by a person of their choosing. The hearing process will provide for a face-to-face hearing, but may be conducted by telephone or submission of written documentation evidence if the grievant so desires.

20. Once the grievant is notified of the hearing time and location, and fails to request a change of time or location, the committee will proceed whether the grievant is present or not.

21. The ELC-SWF Executive Committee will consider all testimony, review all documents and may request any additional evidence or information from the parties if members of the committee believe it is necessary and relevant to decision-making.

22. The ELC-SWF Executive Committee must make a final determination based on a preponderance of the evidence, and render a written decision within 60 days of the hearing, or the receipt of additional evidence requested by the committee, whichever is later.

23. The decision rendered by the ELC-SWF Executive Committee will be final and binding. A full report of any appeals and administrative decisions will be made to the Coalition by the ELC-SWF Executive Director and copies of the grievance and written decision will be retained by the Coalition office.

Confidentiality

All proceedings and actions under this policy are confidential and private between the employee/board member and those involved in the resolution, either informal or formal grievance except as identified for disclosure under public law requirements.

Representation

A staff member may choose to act as his or her own representative in any event described by this policy. If representation is desired, the staff member may select an employee representative, provided the employee who is selected does not have a direct interest in the outcome.

Protection against Retaliation

Staff shall not be retaliated against for exercising rights under this grievance policy. When a staff member alleges he or she has been retaliated against for exercising rights under this policy, or for participating in a grievance as a witness or grievance representative, a complaint may be initiated directly as a formal grievance. In addition to filing a grievance under this policy, a staff member may also consider filing a grievance under the Equal Employment Opportunity policy. The Board considers such acts of discrimination by a supervisor against any staff member as a result of his or her involvement in events described by this policy as unacceptable supervisory conduct and a violation of Board policy.

VIII Special Circumstances

If the grievance is against the Executive Director, then the Chair of the ELC-SWFL Board shall fulfill any role of the Executive Director declared in this policy.