HOW TO HANDLE GRIEVANCES

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What is a grievance?

- Allegations by an individual who is affected by a case-specific decision or action of an OCS employee
  - Placement of child
  - Visitation
  - Treatment of client

- Grievance procedures are listed in statute AS 47.10.098 and implemented through regulations under 7 AAC 54.255

- Grievances must be filed:
  - Within 6 months of the notice of action or decision
  - Within 3 years regardless of whether or when the complainant received actual notice
Who can file a grievance?

- Parent or guardian
- Foster parent
- Adult family member

A person with a significant relationship with the child
- Stepparent
- Grandparent
- Parent’s live-in partner

A person participating in provision of services to a child or family
- Medical provider
- Potentially, lawyer
What is NOT a grievance

- Appeal substantiated finding
- Appeal late payments or contest foster care rates
- Appeal decision or action that is reviewable in court
- Appeal any federal or state action that is not in our jurisdiction
- Complaints by a state employee who is not a client or service provider for OCS
- Appeal a decision regarding a civil rights action
- Appeal a licensing action
- Initiate complaints that fall under State Personnel Act
- Address contract services disputes
- Appeal a decision regarding grant programs
Emergency Removals

• Foster parents cannot grieve the emergency removal of a child

• If the foster parent grieves the non-emergency removal of a child, the foster parent may request that the child not be removed until the issuance of a final decision. The request will be granted unless a PSM II finds that:
  ✓ Removal is in the best interest of the child
  ✓ The child is being returned to the legal parent or guardian
  ✓ Removal is in response to an allegation of maltreatment in the foster home
  ✓ Removal is ordered by court
Timeline for Level 1 review

- **Grievance received**
  - 5 days

- **Grievance reviewed and accepted or denied**
  - 10 days

- **Supervisor meets with grievant**
  - 15 days

- **Supervisor issues a written decision to grievant**
What happens next?
Appeals for review

• If a grievant disagrees with the decision of the supervisor:
  o Request a review by the regional manager within 10 days after the decision was sent
  o The regional manager must meet with the grievant within 10 days of receiving the request
  o The regional manager must issue a decision within 15 days of the meeting

• If a grievant disagrees with the decision of the regional manager
  o Request a review by the division operations manager within 10 days
  o Division operations manager and regional manager must meet with the grievant within 10 days
  o Within 15 days after the meeting, the division operations manager will forward a proposed decision to the director
  o Within 10 days after receiving the proposed decision, the director will issue a final decision
That’s it in a nutshell!

Any questions?