

# Early Learning Coalition

of Pinellas County, Inc.

<b>Policy:</b> <b>ELCPC-20.1</b>	<b>Title:</b> Board Member Grievances	
	<b>Review Date:</b> April 30, 2009	<b>Next Review Date:</b>

References: Early Learning Coalition of Pinellas County Plan Element 0.3.1

Purpose: To establish a fair, orderly, and speedy resolution of disputes or grievances that may arise from the Coalition Board members and/or staff of the Coalition Board. This process may not be used to appeal decision rendered by the Coalition, Committee or Board Chair in accordance with the bylaws.

Background: Coalitions are required to have a process in place to address Board member complaints.

Policy:

1. Time limits of this policy are established to facilitate a prompt resolution of a grievance while providing ample time to prepare and present arguments.
2. Board members are required to operate within the guidelines of the Sunshine Law regarding Board business unless otherwise exempt under provisions of Chapter 286 and/or Chapter 119 of the Florida Statutes, or any other applicable laws.
3. The Executive Committee must consult with the Board Legal Counselor before exercising any exemption from Sunshine Laws.
4. Coalition staff must follow the procedures outlined in the Personnel Practices Manual for any disputes regarding employment, duties and job performance, prior to exercising a formal grievance as outlined in this policy.

Informal Grievance

5. Regular and forthright communication reduces the likelihood of the need for more formal review and is in the best interest of the Board and its employees.
6. Staff or Board members should bring to the attention of their supervisors or Executive Committee any grievances as soon as possible and discuss the concern with the objective of resolution.

#### Formal Grievance

7. A formal grievance to the Coalition must be in writing, signed by the staff or Board member, and submitted to either the Executive Director or Board Chair, as appropriate.
8. The written grievance must include the following elements:
  - A concise statement of the facts surrounding the grievance and, if applicable, any known policy, rule or legal violations.
  - A concise statement of the efforts made to resolve the issue.
  - A description of the desired remedy or outcome.
9. Within 10 working days of the receipt, the Executive Director or Chair will arrange a date, time and location for the Coalition Executive Committee to hear the grievant's appeal.
10. All parties must be promptly advised both verbally and in writing of the date, time and location of the hearing.
11. The hearing date must be set within 30 calendar days of the Coalition's receipt of the grievance.
12. The Executive Committee and/or parties to the grievance may identify any other individuals the Committee believes will assist in the resolution of the grievance.
13. To ensure fairness, continuances may be granted at the discretion of the Executive Committee.
14. A minimum of three (3) of the voting members of the Executive Committee must be present at the hearing, or available by telephone, to constitute a quorum for transaction of business.
15. The hearing process will provide for a face-to-face hearing, but may be conducted by telephone or submission of written documentary evidence if the grievant so desires.

16. 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.
17. The Coalition Executive Committee will consider all testimony, review all documents and may request additional evidence or information from the parties if members of the committee believe it is necessary and relevant to decision-making.
18. Any requested documentation or additional evidence must be promptly submitted to the Chairperson unless otherwise directed by the Committee.
19. The Coalition Executive Committee must make a final determination based on a preponderance of evidence, and render a written decision within 30 days of the hearing date, or receipt of any requested additional evidence requested by the Committee, whichever is later.
20. Following the decision rendered by the Coalition Executive Committee, the Chair will provide a full report orally and in writing to the Board. The written report must contain a copy of the grievance, analysis of the findings and decision issued by the Executive Committee.

#### Representation

21. All parties have the right to have legal representation if they choose.

#### Protection against Retaliation

22. Staff or Board members shall not be retaliated against for exercising rights under this grievance policy.
23. If a Board or 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.
24. The Board considers such acts of discrimination by a supervisor against any staff member unacceptable supervisory conduct and a violation of Board policy.

#### Special Circumstances

25. In the event the grievance alleges malfeasance on the part of the Executive Director, Board Member or staff person, the Chairperson shall have the authority to immediately relieve the individual from his or her responsibilities and place him or her on administrative leave pending further action by the Executive Committee.
26. The Executive Committee must meet within 3 business days of the action to be apprised of the grievance and/or allegations and will determine a course of action to be taken.
27. The Executive Committee may conduct or request an investigation of any grievance brought before them as deemed appropriate.
28. The Executive Committee may, at their own discretion, appoint an independent hearing officer to conduct a hearing on the grievance and make a non-binding recommendation to the full Board.
29. If the grievance is against a Board member, Section 3.3.2 of the Coalition Bylaws provides the following statement confirming, in part, that:

*Any non-statutory Director may be removed by a two-thirds (2/3) vote of the Directors for failure to attend three (3) consecutive meetings without prior notification of the absence to the board of Directors of the Coalition. Governor Appointees and state mandated eligible board members may not be removed.*