

CHILD CARE DIVISION

Grievance Policy and Procedures

PURPOSE

The Child Care Division (CCD) grievance procedures exist to provide an avenue for individuals to voice their concerns regarding CCD regulatory decisions. Any time an individual indicates an interest in submitting a grievance request, CCD staff will ensure that they are notified of these grievance procedures. A grievance review may be requested, in writing, in situations where the contested case hearing process does not apply.

Legal actions, which are handled through the contested case hearing process authorized by ORS Chapter 183 and ORS 657A.360, cannot be grieved through CCD's grievance procedures. In addition, no grievance will be reviewed or resolved through these procedures if the individual has initiated court action or filed notice of intent to file a tort claim, the subject matter of the grievance should be or has already been decided by a judge or other adjudicator, or if the individual's case is presently being adjudicated.

DEFINITIONS

A grievance is a formal statement, in writing, alleging that a decision or action of the Child Care Division was unfair or improper.

RIGHT TO A REVIEW

It is the policy of the Child Care Division (CCD) that:

1. Individuals have a right to a review of any action or decision by CCD affecting them.
2. Individuals will be informed of CCD's grievance procedures at the time they apply for registration or certification. Individuals may receive a copy of the written procedures upon request.
3. No individual will be subjected to reprisal for seeking review of a CCD action or decision.
4. These grievance procedures will be administered in such a manner as to protect the confidentiality of information in individuals' files which is not considered part of the public record.
5. The action or decision subject to review will remain in effect during the grievance process unless CCD makes an exception in a specific case.
6. The rules of evidence and civil procedure are not applicable to grievance reviews. However, in reviewing and resolving a grievance, CCD management will consider only information that concerns the actual grievance.

GRIEVANCE REVIEW PROCEDURE

1. A review may be initiated by making a written request within thirty (30) days of the event, to a CCD field staff member, a field staff supervisor or a CCD manager or administrator.
2. Within 10 days of receiving the written request, CCD staff will schedule a meeting to include the individual, the CCD field staff member and the staff member's immediate supervisor. Every effort will be made to resolve the grievance at this meeting.
3. If the matter cannot be resolved to the satisfaction of all parties, the supervisor will inform the individual of the right to request, in writing, additional review by a CCD manager. Upon receipt of a request, the CCD manager will schedule a meeting with the parties.
4. If the matter still is not resolved, the individual may make a written request for a final review by the CCD administrator. The administrator will schedule a meeting as soon as possible with the parties.
5. The CCD administrator, in consultation with the director of the Employment Department, will prepare a written decision within 15 days of the meeting. The CCD administrator will give copies of the decision to the individual and all other involved parties.
6. The decision of the CCD administrator is final and is not subject to appeal. The decision of the administrator is not an order under the Administrative Procedures Act.

JUDICIAL REVIEW

These procedures do not create a contested case subject to judicial review under ORS Chapter 183. However, nothing in these procedures will affect any rights of an individual under state or federal law to seek independent redress of grievance in the courts.

COST AND ATTORNEY FEES

These grievance procedures are designed to avoid the need for an attorney. However, if the individual requesting a grievance review chooses to use an attorney, the individual is responsible for any expenses or attorney fees that may be incurred in presenting or resolving a grievance under these procedures.

The Employment Department's Child Care Division is an equal opportunity program. Auxiliary aids and services are available upon request to individuals with disabilities or individuals with limited proficiency in English.