

# Otero County Department of Human Services – Child Welfare Grievance Procedure

## I. **APPLICABILITY**

The Grievance Procedures and Conflict Resolution Process set forth herein shall apply to complaints concerning the conduct of Department personnel in performing their duties pursuant to the Colorado Children’s Code.

## II. **DEFINITIONS**

The following definitions shall be applicable in the operation of this procedure:

- A. **Board:** means the Otero County Board of County Commissioners.
- B. **Conduct of an employee of the Department** means behaviors or actions that are contrary to state or federal law or regulations or are dangerous, malicious, or negligent to/towards the well-being of the Complainant or child(ren) who are involved in a dependency or neglect investigation. The term does not include conduct a prudent, reasonable professional would utilize in similar circumstances of an investigation.
- C. **Complainant:** means a person who was the subject of an investigation of a report of child abuse or neglect or any parent, guardian, or legal custodian of a child who is the subject of a report of child abuse or neglect and brings a grievance against the Department.
- D. **Director:** means the Director of Otero County Department of Human Services.
- E. **Department:** means the Otero County Department of Human Services.
- F. **Grievance:** means a complaint filed concerning the conduct of Department employee(s) in performing their duties. The term does not include complaints regarding actions by the Courts, attorneys, law enforcement officials, employees of the State of Colorado, foster parents, or other providers of services to children, or other family members.
- G. **Recommendation:** means a proposed course of action that may be implemented by the Director to resolve a grievance. These proposed actions may include recommendations for case reassignment, personal training, and disciplinary action against the Subject Employee. If any disciplinary action is initiated against the Subject Employee as a result of the Panels’ recommendations, he or she is entitled to all applicable

safeguards, including procedural rights of appeal, afforded under the Otero County Personnel Manual.

H. **Subject Employee:** means an employee of the Department whose conduct is the subject of a grievance.

### III. THE GRIEVANCE PROCESS

All parents, legal guardians, and/or legal custodians of children involved in the Dependency and Neglect investigation are initially informed via the “Notice of Rights and Remedies for Families” which outlines their rights, including the right to access the Conflict Resolution Process through the Department, the Office of the Child Protection Ombudsman or the Colorado Department of Human Services.

#### A. Filing the Grievance with the Department:

##### 1. **Written Grievance:**

Grievances may be submitted via the [“Contact Us”](#) page on the county website ([oterocounty.colorado.org](http://oterocounty.colorado.org)), by mail, dropped off at 13 W 3<sup>rd</sup> Street, Room 102, La Junta, Colorado 81050, to the Director at [donna.rohde@state.co.us](mailto:donna.rohde@state.co.us), or the Child Welfare Manager at [amy.palomino@state.co.us](mailto:amy.palomino@state.co.us).

Grievances must be submitted to the Department in writing no later than thirty (30) calendar days of the alleged incident of employee conduct, which is the subject of the complaint, and must state the following:

- a. The complainant’s full name and mailing address;
- b. A short, specific statement of the Complainant’s Grievance;
- c. The applicable case name and number (if known); and
- d. The resolution desired by the Complainant.

Once received, the Director shall attempt to resolve it informally by referring it to the employee’s immediate supervisor for resolution. If the grievance is not resolved to the Complainant’s satisfaction, it shall be transmitted within ten (10) working days to the Director for resolution. Grievances must fit within the definition of “Grievance” set forth above.

2. **Director Action:** The Director shall acknowledge the receipt within ten (10) calendar days and shall act upon the Grievance within twenty (20) calendar days after they receive it. The

Director shall issue a written decision. If the Grievance is resolved to the Complainant's satisfaction, then the Grievance is considered closed. If the Grievance is not resolved to the Complainant's satisfaction within said twenty (20) calendar days, then the Director shall inform the complainant of additional options including the Otero County Commissioners, Office of the Child Protection Ombudsman, or the Colorado Department of Human Services.

#### **IV. REPORTS**

- A. **Annual Reports to State Department:** The Complaint Coordinator, on a yearly basis, shall respond to the State Department's request for data.