

Chapter One – Appendix I – Complaint Resolution Process

(AAA logo)
(EXAMPLE)

BENEFITS COUNSELING PROGRAM COMPLAINT RESOLUTION PROCEDURES BACKGROUND

The following “Complaint Resolution Procedures” have been developed to comply with the requirements of the Texas Department of Aging and Disabilities Administration Policy for Certified Benefits Counselor Dismissal Review. As the certification and re-certification of certified Benefits Counselor is at the mutual agreement of both HICAP and its support agencies, the Texas Department of Aging and Disability Services, the Texas Department of Insurance, the Texas Legal Services Center and the Area Agency on Aging of _____, these procedures need to be consistent. Additionally, these procedures enable us to maintain a healthy atmosphere in which each certified volunteer can speak freely and have frank discussions with the Certified Staff Benefits Counselors.

OVERSIGHT

The Staff Benefits Counselor is responsible for overseeing the adherence to and timeliness of the complaint resolution process. These resolution procedures are available only to Certified Benefits Counselors.

COMMUNICATION

All certified volunteers can contact the Staff Benefits Counselor, in person, at any time by phone, fax, letter, or e-mail. The goal is always to have effective communication. The Staff Benefits Counselor will maintain effective communication with each certified volunteer to ensure knowledge of the philosophy regarding procedural changes from HICAP, its support agencies, and the AAA. Likewise, the Staff Benefits Counselor will communicate any concerns to the certified volunteer in respect to performance that may have a negative impact on the program. Acceptable performance includes, but is not limited to 1) providing legal assistance and legal awareness as prescribed in the job description, 2) reporting required monthly data to the Staff Benefits Counselor, and 3) conducting services in a confidential and professional manner. For example, inappropriate counseling, such as assistance with the drafting of a will or any other legal instrument, will bring dismissal as well as the potential for serious criminal penalties. Breach of confidentiality also has the consequences of dismissal also. Allegations of misconduct by a certified volunteer will be investigated by the Staff Benefits Counselor to determine the validity of the allegations. Validation of such allegations may be resolved through more training, increased supervision by the Staff Benefits Counselor, or other means. The discipline system to be utilized will be a graduated system: supervision assistance, written warning, suspension, and termination. However, should a certified volunteer wish to air any concern, make a complaint, or appeal a disciplinary action, they must follow the following procedures.

CONTENT AND DELIVERY

The appeal or complaint must be in writing and addressed to the attention of the Staff Benefits Counselor. The written record must contain the following: 1) the purpose of the record, 2) the date of the original action being addressed, and 3) a synopsis of efforts pursued to resolve the matter prior to the submission of the record. The written record should be delivered by hand or certified mail to the office of the Staff Benefits Counselor during the normal workweek.

TIME LIMIT

A written record must be submitted within thirty (30) days of the initial problem.

VOLUNTEER STATUS

The certified volunteer pursuing the resolution process will be placed on inactive status. No volunteer benefits counseling activities will be conducted by the certified volunteer.

REVIEW

The Staff Benefits Counselor will review all pertinent documentation and request clarification or additional information as necessary. Any new data must be received within ten (10) working days of the request. Once all data is available for review, a decision will be made within fourteen (14) working days. If immediate dismissal is the outcome, the certified volunteer will be notified immediately by certified letter with return receipt. Any certification badges or other agency identification will be returned within five (5) working days from the receipt of the letter. Duty stations will be notified of the volunteer's termination within five (5) working days of the final decision.

APPEAL PROCEDURES

An appeal of a decision by the Staff Benefits Counselor may be made to the Director of the Area Agency on Aging, in writing, within five (5) days of the decision. All documentation will be forwarded to the Director. That documentation, along with interviews with the Staff Benefits Counselor, the volunteer, duty station representatives, and other interested parties will be the record used to make a determination on behalf of the certified volunteer. The Director will issue a written decision to the volunteer with thirty (30) working days of receipt of the appeal notice. An appeal of the AAA Director's decision may be made to HICAP, through the Texas Department of Aging and Disability Services. Appeal notification must be made within seven (7) working days.