

POLICY STATEMENT # 2-2-09
Mental Health and Recovery Board of Wayne and Holmes Counties

Subject: Board-Agency Dispute Resolution Process

Effective Date: 6-15-89

Supersedes: No previous policy statement.

Approval Signature:

1. Representatives of the Board and agency shall first meet informally and confer in good faith to attempt to resolve any problems or disputes which may arise in the course of this contract.
2. This dispute resolution process may be initiated by either the Board or a contract agency and is intended to provide a formal mechanism for addressing matters of dispute when more informal means have been unsuccessful.
3. Issues for which this formal dispute resolution is invoked must relate in some manner to a specific provision of the Board-Agency contract and Board or agency action (or inaction) in relation thereto.
4. The party invoking this dispute resolution process shall do so by sending written notice to the Executive Director and Board Chairperson of the other organization.
 - a. This written notice is to be sent within 45 days of the time the matter of dispute took place or the time the disputing party had opportunity to learn of the matter.
 - b. This written notice shall state explicitly that the formal dispute resolution process called for by this policy is being invoked.
 - c. This written notice shall identify this specific action or inaction which is being contested and reference the specific contract provision which is allegedly being violated.
5. Within 14 days of the receipt of such written notice, the Executive Directors of the Board and agency shall meet to resolve the matter in dispute.
6. If the two Executive Directors are unable to resolve the matter within the allotted 14 days, they each shall commit to writing their understanding of what points of dispute remain and of the facts and any relevant documentation which bear on this matter. These written statements, along with a notice of impasse, shall be submitted to the Chairpersons of both organizations within 21 days of the original filing of written notice.
7. The Chairperson of the CMHB shall then arrange for a joint meeting of a representative group of Board members to review the matter of dispute and attempt to resolve it.

- a. This meeting shall take place at a mutually agreeable time, but no later than 45 days after the initial filing of the dispute notice.
 - b. Both the Board and the Agency shall select their respective representatives to this joint meeting, which shall be no more than four for each organization.
 - c. In addition, the Executive Directors of both organizations shall be invited to participate in this joint meeting.
 - d. Any preliminary resolution of the dispute growing out of this joint meeting (assuming that full Board ratification by both organizations may be subsequently required) shall be committed to writing and signed by the Chairpersons of both organizations.
8. By mutual consent, a non-ODMH third-party mediation procedure may be incorporated into the dispute resolution process at any point after the two Executive Directors reach an impasse.
 9. If the matter in dispute has not been resolved within 60 days of the original filing of written notice, either party may notify the ODMH. The Director of ODMH, pursuant to ORC 340.03(G) and in accordance with rules adopted pursuant thereto, may require both parties to submit the dispute to a third party, with the cost to be shared by the Board and agency. This third party shall issue to the Board, the agency, and ODMH recommendations on how the dispute may be resolved.
 10. By mutual consent, any of the deadlines contained in this policy may be extended and any intermediate steps may be skipped.
 11. Neither the Board nor the agency shall initiate any court action unless and until the dispute resolution process set forth in this policy has been completed.