



Virginia Opioid Abatement Authority

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Board of Directors All-Virtual Meeting Agenda

June 14, 2024
3:00 pm

Virtual Link: <https://zoom.us/j/99997529328>

1. Call to order, establish quorum, and recognition of any guests. Senator Todd Pillion
Chair

2. Special presentation Mark Ferro, Office of
the Attorney General

One Pill Can Kill Marketing Campaign progress

3. Approval of Minutes from the November 14, 2023, meeting. Senator Todd Pillion
Chair

4. Executive Director's report Tony McDowell
Executive Director
 - a) Summary of OAA activities since the last Board meeting
 - b) Update on the grant management software and portal.
 - c) Update on the abatement academy and workshops.
 - d) Administrative items requiring Board approval:
 1. Time limits on applications for individual distributions by cities and counties
 2. Applicability of certain law enforcement, fire, and EMS expenses as "gold standard" uses.
 3. Electronic meeting policy - annual adoption
 4. Freedom of Information Action (FOIA) guidance
 5. Employee grievance procedure

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5. Treasurer's Report

Hon. James Holland
Treasurer

- a) Update on Settlement Payments and Budget
- b) Proposed amendments to FY24 OAA budget and proposed FY25-26 OAA Budget.
- c) FY 2024 Cash-Flow Analysis
- d) Overview of 2024 Financial Plan and Recommended Grant Awards to Cities and Counties
- e) Overview of the Commonwealth's Adopted Budget for FY25-26, (Ch. 2, 2024 Special Session I, Acts of Assembly)

6. Grants Committee Report

Dr. Sarah Thomason
Grants Chair

- a) Update on OAA grant awards to cities, counties, and state agencies

7. Operations Report

Charlie Lintecum
Director of
Operations

- a) Report from the 2024 RX Summit
- b) OAA participation in the National Association of Counties Annual Conference
- c) Introduction of Ms. Sharekka Bridges, OAA Sr. Grants Compliance Analyst.
- d) Hiring process – new outreach positions

8. Public Comment

Senator Pillion
Chair

9. New Business

Senator Pillion
Chair

- a) Consideration of new policies
- b) Consideration of amended FY24 OAA budget and proposed FY25-26 OAA budget

10. Adjourn

POLICY REGARDING THE APPROPRIATE DISPOSAL OF FUNDS THAT LOCALITIES FAIL TO UTILIZE FOLLOWING A FIVE-YEAR PERIOD

The Board of Directors (“Board”) of the Opioid Abatement Authority (“OAA”) is statutorily required to allocate a specific portion of the Opioid Abatement Fund (“Fund”) to each participating city and county (see Virginia Code § 2.2-2374(D)(2)). More specifically, the OAA is obligated “[f]or every deposit to the [Opioid Abatement] Fund, the [OAA] shall allocate” 15% of said Fund to the participating cities and counties. The OAA has calculated the anticipated deposits from the finalized settlements in the coming years and in turn then calculated each of the 133 cities’ and counties’ individual share using the Christopher Ruhm’s Recovery Virginia Allocation Model. The results of the calculation can be found in the spreadsheet on the OAA website entitled, “City and County Estimated Settlement Payments Look-up Tool FY2022 through FY2039.” For purposes of this policy, this allocation to the cities and counties will be referred to as the “OAA Distribution.”

Additionally, the OAA has the statutory duty to “[e]stablish specific criteria and procedures” before each participating city and county receives its OAA Distribution (see Virginia Code § 2.2-2368(1)).

Following the inaugural application period of January 19, 2023, to May 5, 2023, (applying for their FY22, FY23, and FY24 OAA Distribution shares) only a handful of the 133 cities and counties either applied for their OAA Distribution share for themselves or allocated their OOA Distribution share to support a cooperative partnership. Following the second application period of October 1, 2023, to April 1, 2024, (applying for their FY25 OAA Distribution shares (and for earlier shares if this was their first application)) slightly more cities and counties applied for their OAA Distribution share. The Board’s goal is 100% participation by all 133 cities and counties. In furtherance of that goal, efforts have long been underway to alert cities and counties to their OAA Distribution share through various forms of outreach: emails, telephone calls, listening sessions, virtual sessions, and e-newsletters. Additionally, the Board implemented a “Gold Standard” Incentive program to increase a complying city’s or county’s OAA Distribution share.

Since the Board was established for the purpose of abating and remediating the opioid epidemic in the Commonwealth through financial support from the Fund (see Virginia Code § 2.2-2366), the Board cannot hold a city’s or county’s OAA Distribution share in perpetuity waiting on a decision as to what the city or county wishes to do with its share. The Board must consider a reasonable time period to hold onto a city’s or county’s OAA Distribution share. After consideration, the Board deems that five years is a reasonable time period for holding onto a city’s or county’s OAA Distribution share. Therefore, the Board hereby establishes this policy to prompt cities and counties to act in a reasonable amount of time to obtain their OAA Distribution shares or risk the reversion of those shares back into the Fund to be used for the express purpose listed below.

In conformity with this policy, a city or county that fails to apply for their OAA Distribution share after five years will no longer have access to those allocated funds. Therefore, should a city or county

fail to submit applications for their OAA Distribution share for five consecutive application periods, then the city's or county's OAA Distribution share of the FY for the initial application period will revert back to the Fund.

Should a city or county be at risk of losing their OAA Distribution share for failing to apply during an application cycle, OAA staff will document outreach efforts and inform the Board that due notice was provided.

Any designated OAA Distribution shares reverted back to the Fund will be used to support the "Gold Standard" incentive (as described by the Board policy adopted October 24, 2022, and entitled "Policy to Incentivize Cities and Counties to Use and Report Direct Distributions from Opioid Settlements by Meeting the OAA "Gold Standard"").

Date of Board Approval: _____

DRAFT

OAA POSITION ON WHETHER LAW ENFORCEMENT, EMS, AND FIRE SERVICES EXPENSES QUALIFY AS “GOLD STANDARD” USES OF OPIOID SETTLEMENT FUNDS.

Law Enforcement

The following law enforcement related efforts are considered allowable uses of opioid settlement funds for OAA “gold standard” purposes:

1. The actual cost for officers’ time while engaged in approved abatement efforts as listed within Exhibit E. This may also include providing security for an approved abatement effort listed within Exhibit E to occur.

This cost must be based on one of the following:

- a) The actual hourly personnel cost incurred for the time the officer was so engaged in the approved abatement effort.
 - b) The agency’s existing rate or charge for officers to when providing security in an off-duty assignment.
2. Education and training expenses when such education and training is focused on substance use disorders, crisis intervention, and directly related behavioral/mental health topics.
 3. Equipment such as computers or phones that are used solely for the approved abatement activity.

The following law enforcement related efforts would **NOT** be considered allowable uses of opioid settlement funding for OAA “gold standard” purposes:

1. Any cost connected to criminal intervention, including intelligence gathering, investigations, response to criminal activities, and the cost of incarcerating individuals.
2. The cost of response to opioid-related emergencies.
3. The purchase of police equipment including uniforms, body armor, radios, weapons, and vehicles.
4. Any education and training expense that is not specifically focused on substance use disorders, crisis intervention, or other directly related behavioral/mental health topics.
5. The cost of recruiting, hiring, and basic training of law enforcement officers is not an approved use for OAA “gold standard” purposes.

Fire and Emergency Medical Services (EMS)

The following fire and EMS related efforts would be considered allowable uses of opioid settlement funding for OAA “gold standard” purposes:

1. Education and training expenses when such education and training is focused on substance use disorders, crisis intervention, and directly related behavioral/mental health topics.
2. Equipment used solely for the approved abatement activity.
3. Purchase, storage and management of any harm reduction supplies including over-the-counter medications.
4. Purchase, storage and management of FDA-approved medications for opioid use disorder, such as buprenorphine, methadone, and naltrexone.
5. Any non-emergency abatement efforts that are listed in Exhibit E. This would include public outreach efforts, follow-up efforts after an emergency has been resolved, and “leave-behind” naloxone or harm reduction efforts.

The following fire and EMS related efforts would **NOT** be considered allowable uses of opioid settlement funding for OAA “gold standard” purposes:

1. The purchase of fire and EMS equipment that is used in the response to a wide variety of emergencies. This would include ambulances, stretchers, cardiac monitors, ventilators, etc.
2. Any education and training expense that is not specifically focused on substance use disorders, crisis intervention, or other directly related behavioral/mental health topics.
3. Prescription medications and any medications that fall under DEA Schedule I through V, as well as any equipment that is required by law for the storage, inventory management, and security of these prescription and/or scheduled medications.
4. The cost of recruiting, hiring, and basic training of firefighters and EMS providers is not an approved use for OAA “gold standard” purposes.

Date of Board Approval:

ANNUAL POLICY FOR INDIVIDUAL MEMBERS TO PARTICIPATE ELECTRONICALLY IN MEETINGS

It is the policy of the Board of Directors (the “Board”) of the Opioid Abatement Authority (“OAA”) that individual Board members may participate in meetings of the Board, the [Grants Executive](#) Committee, or other committees of the Board by electronic communication means as permitted by § 2.2-3708.3 of the *Code of Virginia*. This policy shall apply to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

Individual participation from a remote location shall be allowed when the member is unable to attend in person due to:

- (i) a temporary or permanent disability or other medical condition that prevents the member’s physical attendance;
- (ii) a family member’s medical condition that requires the member to provide care for such family member, thereby preventing the member’s physical attendance; or
- (iii) the member’s personal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
- (iv) a personal matter, identified by the member with specificity as to the nature of the personal matter. Participation under the “personal matter” provision is limited by law each calendar year to two meetings or 25% of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

Remote participation shall be approved by the Chairperson unless such participation would violate this policy or the provisions of the Virginia Freedom of Information Act. If a member's participation from a remote location is challenged, then the Board or the committee that is meeting shall vote whether to allow such participation. If the Board or committee votes to disapprove of the member's participation because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

Whenever an individual member participates from a remote location, the law requires a quorum of the Board or committee to be physically assembled at a primary or central meeting location, and there must be arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location. The reason that the member is unable to attend the meeting and the remote location from which the member participates must be recorded in the meeting minutes.

During public meetings of the Board, the Board may allow the public to participate remotely and in that case will provide instructions as part of the official meeting notice. Members of the public will not be

required to request to thus participate, but rather will only need to follow the instructions to be connected.

The Board may conduct all-virtual public meetings as permitted by § 2.2-3708.3 of the *Code of Virginia*. The Board will not convene all-virtual public meetings more than two times per calendar year or more than 5025 percent of the total number of meetings held per calendar year rounded up to the next whole number, whichever is greater. The Board also shall not convene consecutive all-virtual public meetings of the Board or consecutive meetings of the same committee.

This policy applies to all committees of the Board.

Date of Board Approval: June 14, 2024~~September 7, 2022~~

RIGHTS & RESPONSIBILITIES: THE RIGHTS OF REQUESTERS AND THE RESPONSIBILITIES OF THE VIRGINIA OPIOID ABATEMENT AUTHORITY UNDER THE VIRGINIA FREEDOM OF INFORMATION ACT

The Virginia Freedom of Information Act (FOIA), located in § 2.2-3700 et seq. of the Code of Virginia, guarantees citizens of the Commonwealth and representatives of the media access to public records held by public bodies, public officials, and public employees.

A public record is any writing or recording—regardless of whether it is a paper record, an electronic file, an audio or video recording, or any other format—that is prepared or owned by, or in the possession of a public body or its officers, employees, or agents in the transaction of public business. All public records are presumed to be open, and may only be withheld if a specific, statutory exemption applies.

The policy of FOIA states that the purpose of FOIA is to promote an increased awareness by all persons of governmental activities. In furthering this policy, FOIA requires that the law be interpreted liberally, in favor of access, and that any exemption allowing public records to be withheld must be interpreted narrowly.

Your FOIA Rights

In order to have the right to request documents under FOIA, you must be a citizen of the Commonwealth of Virginia, representative of a newspaper or magazine with circulation in the Commonwealth, or a representative of a radio or television station broadcasting in or into the Commonwealth during the regular office hours of this Office. If you qualify under FOIA:

- You have the right to request to inspect **or** receive copies of public records, or both.
- You have the right to request that any charges for the requested records be estimated in advance. As of July 1, 2022, public bodies must notify the requester in writing that the public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records.
- If you believe that your FOIA rights have been violated, you may file a petition in district or circuit court to compel compliance with FOIA. Alternatively, you may contact the FOIA Council for a nonbinding advisory opinion.

Making a Request for Records from the Virginia Opioid Abatement Authority

- You may request records by U.S. Mail, fax, email, in person, or over the phone - FOIA does not require that you use any particular method to convey your request. FOIA also does not require that your request be in writing, nor do you need to state that you are requesting records pursuant to FOIA.
 - From a practical perspective, it may be helpful to both you and the person receiving your request to put your request in writing. This allows you to create a record of your request. It also gives us a clear statement of what records you are requesting, so that there is no misunderstanding over a verbal request. However, we cannot refuse to respond to your FOIA request if you elect to not put it in writing.
- Your request must identify the records you are seeking with "reasonable specificity." This is a common-sense standard. It does not refer to or limit the volume or number of records that you are requesting; instead, it requires that you be specific enough so that we can identify and locate the records that you are seeking.
- Your request must ask for existing records or documents. FOIA gives you a right to inspect or copy **records**; it does not apply to a situation where you are asking general questions about the work of the Virginia Opioid Abatement Authority, nor does it require the Virginia Opioid Abatement Authority to create a record that does not exist.
- You may choose to receive electronic records in any format used by the Virginia Opioid Abatement Authority in the regular course of business.
 - For example, if you are requesting records maintained in an Excel database, you may elect to receive those records electronically, via email, on a computer disk or flash drive, or to receive a printed copy of those records.
- If we have questions about your request, please cooperate with staff's efforts to clarify the type of records that you are seeking, or to attempt to reach a reasonable agreement about a response to a large request. Making a FOIA request is not an adversarial process, but we may need to discuss your request with you to ensure that we understand what records you are seeking.

To request records from the Virginia Opioid Abatement Authority, you may direct your request to the FOIA Officer. They can be reached at Info@voaa.us; 804-500-1810; 701 East Franklin Street, Suite 803, Richmond Virginia 23219. You may also contact the office with questions you have concerning requesting records from the Virginia Opioid Abatement Authority.

In addition, the Freedom of Information Advisory Council is available to answer any questions you may have about how FOIA works. The Council was created in the legislative branch of

state government to issue opinions on the operation and application of FOIA, to publish educational materials, and to provide training about FOIA. However, please be aware that the Council is not a records repository and does not process records requests on behalf of other public bodies, nor is the Council an investigative or enforcement agency. The Council may be contacted by email at foiacouncil@dls.virginia.gov, or by phone at (804) 698-1810 or toll-free at 1-866-448-4100.

The Virginia Opioid Abatement Authority's Responsibilities in Responding to Your Request

- The Virginia Opioid Abatement Authority must respond to your request within five working days of receiving it. "Day One" is considered the day after your request is received. The five-day period does not include weekends, holidays or other days when the Virginia Opioid Abatement Authority is closed for business.
- The reason behind your request for public records from the Virginia Opioid Abatement Authority is irrelevant, and you do not have to state why you want the records before we respond to your request. FOIA does, however, allow the Virginia Opioid Abatement Authority to require you to provide your name and legal address.
- FOIA requires that the Virginia Opioid Abatement Authority make one of the following responses to your request within the five-day time period:
 - 1) We provide you with the records that you have requested in their entirety.
 - 2) We withhold all of the records that you have requested, because all of the records are subject to a specific statutory exemption. If all of the records are being withheld, we must send you a response in writing. That writing must identify the volume and subject matter of the records being withheld, and state the specific section of the Code of Virginia that allows us to withhold the records.
 - 3) We provide some of the records that you have requested, but withhold other records. We cannot withhold an entire record if only a portion of it is subject to an exemption. In that instance, we may redact the portion of the record that may be withheld, and must provide you with the remainder of the record. We must provide you with a written response stating the specific section of the Code of Virginia that allows portions of the requested records to be withheld.
 - 4) We inform you in writing that the requested records cannot be found or do not exist (we do not have the records you requested). However, if we know that another public body has the requested records, we must include contact information for the other public body in our response to you.

- 5) If it is practically impossible for the Virginia Opioid Abatement Authority to respond to your request within the five-day period, we must state this in writing, explaining the conditions that make the response impossible. This will allow us an additional seven working days to respond to your request, giving us a total of 12 working days to respond to your request.
- If you make a request for a very large number of records, and we feel that we cannot provide the records to you within 12 working days without disrupting our other organizational responsibilities, we may petition the court for additional time to respond to your request. However, FOIA requires that we make a reasonable effort to reach an agreement with you concerning the production of the records before we go to court to ask for more time.

Charges

- A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. Prior to conducting a search for records, the public body shall notify the requester in writing that the public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records as set forth in subsection F of § 2.2-3704 of the Code of Virginia.
- You may have to pay for the records that you request from the Virginia Opioid Abatement Authority. FOIA allows us to charge for the actual costs of responding to FOIA requests. This would include items like staff time spent searching for the requested records, copying costs, or any other costs directly related to supplying the requested records. Any charges cannot include general overhead costs.
- If we estimate that it will cost more than \$200 to respond to your request, we may require you to pay a deposit, not to exceed the amount of the estimate, before proceeding with your request. The five days that we have to respond to your request does not include the time between when we ask for a deposit and when you respond.
- You may request that we estimate in advance the charges for supplying the records that you have requested. This will allow you to know about any costs upfront, or give you the opportunity to modify your request in an attempt to lower the estimated costs. The five days that we have to respond to your request does not include the time between when we send you the estimate and when you respond. If you do not respond within 30 days, then your request will be deemed to be withdrawn.

- If you owe us money from a previous FOIA request that has remained unpaid for more than 30 days, the Virginia Opioid Abatement Authority may require payment of the past-due bill before it will respond to your new FOIA request.

Types of Records

The following is a general description of the types of records held by the Virginia Opioid Abatement Authority:

- Personnel records concerning employees and officials of the Virginia Opioid Abatement Authority.
- Records of contracts which the Virginia Opioid Abatement Authority has entered into.

If you are unsure whether the Virginia Opioid Abatement Authority has the record(s) you seek, please contact the FOIA officer directly at info@voaa.us.

Commonly Used Exemptions

The Code of Virginia allows any public body to withhold certain records from public disclosure. The Virginia Opioid Abatement Authority commonly withholds records subject to the following exemptions:

- Personnel records (§ 2.2-3705.1 (1) of the Code of Virginia)
- Records subject to attorney-client privilege (§ 2.2-3705.1 (2)) or attorney work product (§ 2.2-3705.1 (3))
- Vendor proprietary information (§ 2.2-3705.1 (6))
- Records relating to the negotiation and award of a contract, prior to a contract being awarded (§ 2.2-3705.1 (12))

Policy Regarding the Use of Exemptions

- The general policy of the Virginia Opioid Abatement Authority is to invoke the personnel records exemption in those instances where it applies in order to protect the privacy of employees and officials of the Virginia Opioid Abatement Authority.
- The general policy of the Virginia Opioid Abatement Authority is to invoke the contract negotiations exemption whenever it applies in order to protect the Virginia Opioid Abatement Authority bargaining position and negotiating strategy.

Date of Board Approval:

VIRGINIA OPIOID ABATEMENT AUTHORITY

GRIEVANCE PROCEDURE

I. Policy

It shall be the policy of the Virginia Opioid Abatement Authority (herein "OAA"), as an employer, to encourage the resolution of personnel problems and complaints. Most complaints arising in the workplace can be resolved through informal means. Prior to initiating a written grievance, employees are encouraged to discuss work-related problems with their immediate supervisor. Supervisors are expected to discuss and to attempt in good faith to resolve work-related problems with employees. This grievance procedure ("Grievance Procedure") is designed to provide another, more formal means of raising and resolving employee complaints.

II. Employment at Will

This Grievance Procedure does not create a property interest in or entitlement to a position for an employee, nor does it constitute a contract or offer of contract of employment. Rather, it provides a mechanism to resolve personnel issues that might arise during the course of employment. The Executive Director is appointed by the Board and serves at its pleasure pursuant to Section 6.1 of the OAA Bylaws. The Executive Director's powers and duties are described in Section 6.2 of the OAA Bylaws. Pursuant to Section 6.3 of the OAA Bylaws, the Executive Director employs and retains all employees of the OAA. Employees serve at the pleasure of the Executive Director and may be disciplined or discharged at any time with or without cause. This Grievance Procedure may be modified or rescinded by the Executive Director at any time without prior notice.

III. Access to Procedure

The Grievance Procedure is available to all salaried employees of the Opioid Abatement Authority except the Executive Director.

IV. Definition of a Grievance

A. Grievable Issues

A grievance is defined as a complaint by an employee or appointee relating to his or her employment, including but not limited to:

1. The misapplication of OAA policies, practices, rules, regulations, procedures, ordinances and statutes;
2. Acts of coercion, retaliation, reprisal, harassment, or intimidation;
3. Complaints of discrimination on the basis of race, color, sex, age, religion, national origin, marital status, or disability; and
4. Written reprimands, suspension, demotions, or termination.

B. Nongrievable Issues

OAA Management reserves the exclusive right to conduct the affairs and operations of government. Therefore, the following complaints are not grievable:

1. Hiring, promotion, transfer, assignment, layoff and retention of employees;
2. Work activity which may reasonably be expected to be a part of job content;
3. The methods, means and personnel by which OAA operations and work activities are to be carried on;
4. Establishment and revision of wages, salaries, position classifications, or general benefits; and
5. The contents of established personnel policies, procedures, rules, regulations, ordinances and statutes.

V. Determination of Grievability

The Executive Director, except where the complaint involves the Executive Director, shall determine whether a complaint is grievable. If the complaint involved the Executive Director, the Personnel Committee shall determine whether the complaint is grievable. Written notice of the complaint must be presented by the employee to the Executive Director (or the chairman of the Personnel Committee if the complaint involves the Executive Director) within thirty (30) calendar days of the event or action giving rise to the complaint. The notice must state the nature of the complaint, the facts in support of the claim, and the relief requested. Once the notice is submitted, additional claims may not be added to it.

The Executive Director or Chair of the Personnel Committee must render a determination of grievability within ten (10) workdays of receipt of the employee's complaint. The determination shall be binding on management, the Board, and the employee, and shall be final. If the complaint is determined to be non-grievable as defined above, the complaint shall be closed, and the employee will be notified in writing. The timelines may be extended if all parties agree.

VI. Management Review

Employees determined by the Executive Director or Chair of the Personnel Committee, as appropriate, to have a grievable complaint shall proceed as follows to pursue their grievance:

A. Step One

Within ten (10) workdays of receipt of the determination of grievability, the employee must inform his or her supervisor in writing of his or her intent to pursue the grievance. In all cases, if the complaint is against the immediate supervisor, the employee shall pursue the grievance through the next level supervisor. Within ten (10) workdays of receiving the employee's notification, the supervisor must investigate the grievance, attempt to resolve it, and give a written decision to the employee. The decision must outline the nature of the grievance, the supervisor's findings, and the remedial action, if any, to be taken. The timelines may be extended if all parties agree.

If the grievance is resolved at this step, the matter is closed.

B. Step Two

If dissatisfied with the decision made in step one, the grievant may submit a written appeal of the matter to the Executive Director, or the Chair of the Personnel Committee if the Executive Director made the decision in step one, or the Board Chair (if the Chair of the Personnel Committee made the decision in step one). The grievant must submit the appeal within five (5) workdays of receipt of the Step One decision. The appeal shall include the following documents:

- 1) a memorandum to the appropriate Step Two respondent stating the basis for the appeal; and

- 2) copies of the initial grievance and the Step One management response. The Step Two respondent shall have the discretion to receive and/or review any additional information that will be of assistance in resolving the grievance. The Step Two respondent shall render a decision in writing to all parties involved within ten (10) workdays of receipt of appeal or notice of grievance. The timeline may be extended with concurrence of all parties.

STEP TWO SHALL BE THE FINAL STEP IN THE GRIEVANCE PROCEDURE UNLESS THE GRIEVANCE INVOLVES DISCHARGE OF A GRIEVANT AND/OR ALLEGATIONS OF SEXUAL HARASSMENT OR UNLAWFUL DISCRIMINATION. IN SUCH CASES, THE STEP TWO DECISION-MAKER MAY CERTIFY THE GRIEVANCE FOR APPEAL TO THE OAA BOARD AS APPROPRIATE FOR FINAL REVIEW AND DISPOSITION

VII. Employee Assistance

To assist employees in dealing with sensitive situations, particularly those concerning allegations of a sexually or racially offensive nature or any other unlawful discrimination, the Executive Director may appoint individuals to provide confidential, informal assistance to the complainant and explore means of resolving the situation. Such individuals will act solely as an advisor to the grievant, and not as an advocate.

VIII. Confidentiality

Information concerning a grievance is to be held in confidence. Supervisors and other members of management who investigate a grievance are to discuss it only with those individuals who have a legitimate need to know about it or who are needed to supply necessary background information or advice.

IX. Compensation

Time spent by grievants and witnesses in grievance discussions with management or in grievance-related hearings or court proceedings during their normal working hours will be considered hours worked for pay purposes.

Date of Board Approval: