

WINTHROP HOUSING AUTHORITY

Grievance Policy

The Winthrop Housing Authority Board of Directors does hereby ratify this Grievance Policy:

A Grievance Hearing Officer shall be duly appointed by the WHA and its LTO to preside over and decide the outcome of issue(s) to be adjudicated grievance hearing. The Hearing Officer shall provide parties with a written decision on the grievance in adherence to his procedure and policy, describing the factual situation and ordering whatever relief, if any, that shall be appropriate under the circumstances and under applicable laws, regulations, rules and/or policies.

Each hearing officer shall annually certify to the WHA that he or she is ready, willing and able to serve; failure to so certify within ten (10) days of receipt of a written request by the WHA shall render the hearing officer's position vacant.

Impartiality of the Hearing Officer. A hearing officer or a member of his or her family shall not have and shall not appear to have any direct personal or financial interest in the outcome of any matter before him or her. No hearing officer shall be related by blood or marriage to any party or to any person who gives evidence as to facts which are disputed by the parties. No hearing officer may determine matters which directly concern his or her own housing or the housing of a family member or his or her own status or the status of a family member in that housing. Each hearing officer shall determine any matter at issue impartially and objectively on the basis of the evidence and applicable law. Any hearing officer, who shall be or shall appear to be unable to determine any matter impartially and objectively shall remove himself or herself as hearing officer, whether or not he has been requested to do so.

Procedures shall be in accordance with regulations as defined in 760 CMR 6.08:

760 CMR 6.08: Grievance Procedures

Winthrop Housing Authority's grievance procedure shall provide for the following:

1. Initiation of a Grievance. A grievance regarding whether good cause exists for terminating a lease shall be initiated by a tenant in writing and shall be mailed or delivered to the WHA at its main office at 9 Golden Drive within seven (7) days after a notice of lease termination has been given to tenant by the LHA.

A grievance regarding some other matter shall be initiated by a grievant in writing and shall be mailed or delivered to the LWHA at its main office no more than fourteen (14) days after the date on which the grievant first became aware or should have become aware of the subject matter

of the grievance, provided that the LHA shall have discretion to permit a grievance to be initiated late.

The WHA shall permit additional time for initiation of a grievance if the WHA shall find that there was a good reason for late initiation of the grievance and that the late initiation would not cause prejudice to the LHA.

2. Informal Settlement Conference. Promptly after the initiation of a grievance, unless otherwise provided, the WHA's executive director or his or her designee shall give the grievant the opportunity to discuss the grievance informally in an attempt to settle the grievance without the necessity of a grievance hearing. The WHA shall give reasonable advance notice to the grievant and his or her representative (if any) of a time and place for an informal settlement conference, unless such a conference shall have taken place when the grievance was delivered to the WHA. If a matter is not resolved at the informal settlement conference, a grievance hearing shall be held. Failure to attend an informal settlement conference shall not affect a grievant right to a grievance hearing.

3. Hearing Date and Notice of Hearing. A grievance hearing regarding whether good cause exists for terminating a lease shall be scheduled within fourteen (14) days or as soon as reasonably practical after the date on which the WHA receives the grievance. A hearing of a grievance regarding some other issue, shall be scheduled as soon as reasonably convenient following receipt of the grievance.

The WHA shall give reasonable advance written notice of the time and place of the hearing to the grievant and to his or her representative (if any). The WHA, or the hearing officer may reschedule a hearing by agreement or upon a showing by grievant or by the WHA that rescheduling is reasonably necessary.

4. Pre-Hearing Examination of Relevant Documents. Prior to a grievance hearing the WHA shall give the grievant or his or her representative a reasonable opportunity to examine WHA documents which are directly relevant to the grievance. Following a timely request, the WHA shall provide copies of such documents to grievant and, for good cause (including financial hardship), may waive the charge for the copies.

5. Persons Entitled to be Present. The grievance hearing shall be private unless the grievant requests that it be open to the public. If the grievant requests an open hearing, the hearing shall be open to the public unless the hearing panel or the hearing officer otherwise orders. The WHA and the grievant shall be entitled to specify a reasonable number of persons who may be present at a private hearing. A challenge to the presence of any such person shall be decided by the hearing panel or the hearing officer. At the hearing the LHA and the grievant may be represented

by a lawyer or by a non-lawyer. Each person present at the hearing shall conduct himself or herself in an orderly manner or he or she shall be excluded. If the grievant misbehaves at the hearing, the hearing panel or hearing officer may take other appropriate measures to deal with the misbehavior, including dismissing the grievance.

6. Procedure at Grievance Hearings. The hearing officer shall conduct the grievance hearing in a fair manner without undue delay. The hearing officer shall initially take appropriate steps to define the issues. Thereafter, relevant information, including testimony of witnesses and written material, shall be received regarding such issues. Both the grievant and the WHA shall be entitled to question each other's witnesses. Procedure at the hearing shall be informal, and formal rules of evidence shall not apply. The hearing shall be tape-recorded. The hearing officer may question witnesses and may take notice of matters of common knowledge and applicable laws, regulations and WHA rules and policies. The hearing officer may request the WHA or the grievant to produce additional information which is relevant to the issues or which is necessary for a decision to be made provided that the other party is provided an opportunity to respond to such additional information.

7. Written Decision; Effect of Decision. Within fourteen(14) days following the hearing or as soon thereafter as reasonably possible the hearing panel or the hearing officer shall provide the WHA with a written decision on the grievance, describing the factual situation and ordering whatever relief, if any, that shall be appropriate under the circumstances and under applicable laws, regulations, rules and/or policies. The decision shall be based on the evidence at the grievance hearing and such additional information as may have been requested by the panel members or the hearing officer. The WHA shall forthwith mail or otherwise deliver a copy of the decision to the grievant and his or her representative. A copy of the decision (with names and personal identifiers deleted) shall thereafter be maintained at the WHA and shall be open to public inspection.

8. Review by the WHA's Board. In cases where the decision concerns whether good cause exists for terminating a lease, there shall be no review by the WHA's Board.