

## Policy 5:

### **F. Procedure for Filing Non-payment Grievances**

**F-1** The complaining member (hereafter referred to as “Complainant”) after taking reasonable steps to collect a debt which is now 90 days delinquent, shall send a completed **Notice of Intent to File Complaint** to the nonpaying member (hereafter referred to as “Respondent”) by regular mail and/or electronic means with a copy to the Chairperson

**F-2** If payment is not made or the options listed on the Notice of Intent to File Complaint form are not exercised within fourteen (14) days of the date of sending the **Notice of Intent to File Complaint**, the Complainant may file a complaint by submitting the following documents to the Chairperson: 1) the **Nonpayment Complaint** form signed by the Complainant, 2) a copy of the **Notice of Intent to file Complaint previously sent to the Respondent**, 3) the Request for Service or communication requesting service, 4) a copy of all invoices to be paid, and 5) any other supporting documentation of the reasonable steps to collect the debt.

**F-3** All forms pertaining to Grievance & Arbitration are required to be completed as directed and shall be on a form prescribed by the Board and shall be available in the membership directory, on the website or by contacting the Chairperson.

### **G. Procedure For Filing Unethical or Unprofessional Conduct Grievances:**

**G-1** Any member who has cause to complain that a member of NAPPS has violated a provision of the Bylaws, Code of Ethics, or Policy may submit an **Unethical Complaint** form to the Chairperson with a written statement containing the sufficient particulars of the grievance along with all required forms and supporting documentation.

**G-2** If the issues raised are unique in nature, as determined by the chairperson, the matter shall be submitted directly to the Board. Otherwise, the grievance procedure shall continue as outlined in Section H of this Policy Manual.

**G-3** If complainant has filed a similar grievance with a chartered state association at or near the same time as that filed with NAPPS, NAPPS shall hold such grievance in abeyance until notified that the chartered state association has resolved the complaint.

**G-4** Unless allowed by the chairperson, there shall only be one Grievance open at any given time between the same NAPPS members.

### **H. Procedure For All Grievances After Submission to Chairperson**

**H-1** The Chairperson shall give written notice to the Respondent of the Grievance and the date the reply is due by sending a copy of the grievance to the Respondent by first class mail and any additional means the Chair deems appropriate. The Respondent must reply in writing, together with all required forms and supporting documentation to the Chairperson. The reply must be received within fourteen (14) days from the date of the Chairperson’s letter containing the complaint, or within such additional time as the Chairperson, in his/her discretion may grant for good cause shown. Any complaint received on the basis of a proof of service or non-service that has been confirmed as such but not received by the Complainant, shall adhere to a reduced deadline of seven (7) days from the date of the Chairperson's letter. If no reply is received, Respondent is then in violation of **Policy 5, Section M** and the matter shall then be submitted to the Board of Directors.

**H-2** The Chairperson shall send a copy of the reply to the Complainant.

**H-3** Upon receipt of the Respondent's reply, the complainant may offer a rebuttal to the Chairperson

**H-4** The Chairperson shall send a copy of the rebuttal to the Respondent.

**H-5** Upon receipt of the Complainant's rebuttal, the Respondent shall offer a surrebuttal to the Chairperson.

**H-6** The rebuttal or surrebuttal must be received by the Chairperson within fourteen (14) days from the date of the Chairperson's letter or seven (7) days if the complaint pertains to a proof of service or non-service.

## **I. Arbitration**

**I-1** After all procedures have been followed or the timelines for rebuttal and surrebuttal have lapsed as prescribed in **Policy 5, Section H**, the Chairperson shall submit the matter to a panel of three (3) members selected by the Chairperson and referred to as the Panel Review Committee, whose names shall remain confidential. All parties shall be notified of the pending review by any means deemed appropriate by the Chairperson.

**I-2 (a)** The Chairperson shall provide each member of the panel with a copy of all documents.

**I-2 (b)** The panel shall make a decision on this written record within fourteen (14) days of the Chairperson sending the file [or within seven (7) days of the Chairperson sending a file pertaining to a proof of service or non-service]. The panel shall have the right, in its sole discretion, to request the chairperson attempt to obtain additional materials, clarification or supplemental information. Such questions, requests for materials or supplemental information shall remain confidential to the party to which they are directed. The party must respond within seven (7) days of the Chairperson sending the request.

**I-2 (c)** The panel shall render a confidential majority written decision or recommendation on the merits of the dispute and a separate majority written decision on proposed sanctions, if any, and send the written decision(s) together with any dissents to the chairperson.

**I-3 (a)** In a decision calling for a monetary award, the Chairperson shall advise the responsible party and payment must be received by the Chairperson within fourteen (14) days from the date of the written notice or no later than a specific date stated in the notice. Noncompliance of the Panel Review Committee's recommendation may result in further disciplinary action.

**I-3 (b)** A recommendation calling for non-monetary sanction(s) shall be brought before the Board of Directors by the Chairperson for review and final decision.

**I-3 (c)** A recommendation calling for both a monetary award and non-monetary sanction(s) shall be brought before the Board of Directors by the Chairperson. Payment from the responsible party shall be furnished as described in **Policy 5, Section I-3(a)** to be held awaiting the outcome of the vote of the Board of Directors

**I-4** Any member affected by the decision of the Panel Review Committee may request an appeal to the Board of Directors for review within seven (7) days of notification of the decision from the Chairperson. The review shall take place at the next scheduled Board Meeting or Annual Meeting.

## **J. Retention of Complaints:**

**J-1** All matters submitted to the Arbitration & Grievance Committee shall remain confidential unless specified otherwise or voted to become a public matter by the Board of Directors.

**J-2** Once a matter has been resolved or disposed of, the Chairperson shall forward the file to the Administrator for retention.

**J-3** The Chairperson shall retain, for a period of three (3) years, a listing and disposition of each matter submitted to the Arbitration & Grievance Committee and released to the Administrator periodically as requested or agreed.

### **K. Consistent Pattern of Complaints:**

**K-1** Where a number of complaints filed against a member indicate a persistent pattern of nonpayment or unethical/unprofessional conduct, the Chairperson shall notify such member, in writing, that a continuance of similar complaints received by the Committee may result in reprimand, suspension, or expulsion.

**K-2** Where a number of complaints submitted by a member indicate a persistent pattern of filing nonpayment or unethical/unprofessional conduct complaints which are frivolous or without real substance, the administrator shall notify such member, in writing, and that such continued action by the member may result in disciplinary action by the Board.

**K-3** If, after notification by the Chairperson, the persistent pattern of nonpayment or unprofessional or unethical conduct by a member continues or the member persists in filing complaints which are frivolous or without real substance, the Chairperson may initiate a grievance which shall follow procedures as outlined in **Policy 5, Section H**. The Board, at its discretion, will determine what constitutes a persistent pattern and may take whatever disciplinary action it deems appropriate. The Board will notify the Chairperson and the Chairperson will in turn notify the member, in writing, of the action taken.

**L.** If membership is revoked, the ex-member shall not be eligible to re-apply for membership for a period of one (1) year from the date of final disposition of revocation. If ex-member re-applies for membership after one (1) year and membership is denied, applicant shall not be eligible to re-apply for a period of one (1) year from the date of the Board's decision.

**M.** Failure to comply with the bylaws of this Association, or the procedures as outlined in this policy manual, or the rulings and decisions of the Arbitration panel or Board, shall constitute sufficient grounds for suspension, expulsion, or any sanction the Board deems appropriate, after the Board of Directors has made an independent determination on the sufficiency of the complaint that initiated the grievance procedure. With the exception of revocation of NAPPS membership, all such discipline shall be determined by majority vote of the Board. No revocation of NAPPS membership under the policy shall be done except by a two-thirds majority vote of the Board.

**N.** The purpose of this Policy is to ensure that every member is treated fairly and justly. To this end, the Board shall have the authority, by majority vote, to take any action necessary to carry out the purpose of the Policy, including but not limited to, the granting of extensions of time and reconsideration of actions taken.

**O.** All decisions of the Board are final and binding. However, this does not preclude a request for reconsideration for matters involving public membership notification (including but limited to revocation, suspension or public reprimands) and must be based upon facts unknown to the Board at the time of its decision. A request for reconsideration must be received by the Chairperson within seven (7) days of the Chairperson sending notification of the outcome of the decision of the Board of Directors.